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ROYAL COMMISSION OF INQUIRY INTO CERTAIN
DEATHS AT THE HOSPITAL FOR SICK CHILDREN AND
RELATED MATTERS.

Hearing held
8th floor
180 Dundas Street West
Toronto, Ontario

The Honourable Mr. Justice S.G.M. Grange
P.S.A. Lamek, Q.C.
E.A. Cronk
Thomas Millar

Commissioner
Counsel
Associate Counsel
Administrator

Transcript of evidence
for
February 15, 1984

VOLUME 104

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JOHN NESTOR
X Brown
Foster
Geddes
Pearce
Robson
Kibbey
Roland
Rosenberg
Labov



ROYAL COMMISSION OF INQUIRY INTO CERTAIN
DEATHS AT THE HOSPITAL FOR SICK CHILDREN
AND RELATED MATTERS.

Hearing held on the 8th Floor,
180 Dundas Street West, Toronto,
Ontario, on Wednesday, the 15th
day of February, 1984.

- - - - -

THE HONOURABLE MR. JUSTICE S.G.M. GRANGE - Commissioner
THOMAS MILLAR - Administrator
MURRAY R. ELLIOT - Registrar

- - - - -

APPEARANCES:

P.S.A. LAMEK, Q.C.)	Commission Counsel
E. CRONK)	
D. HUNT)	Counsel for the Attorney
L. CECCHETTO)	General and Solicitor General
	of Ontario (Crown Attorneys
	and Coroner's Office)
I.J. ROLAND)	Counsel for The Hospital for
M. THOMSON)	Sick Children
R. BATTY)	
B. PERCIVAL, Q.C.)	Counsel for The Metropolitan
D. YOUNG)	Toronto Police
W.N. ORTVED	Counsel for numerous Doctors
	at The Hospital for Sick
	Children
F. KITELY	Counsel for the Registered
	Nurses' Association of Ontario
	and 35 Registered Nurses at
	The Hospital for Sick Children

(Cont'd)...



APPEARANCES: (Continued)

D. BROWN	Counsel for Susan Nelles - Nurse
E. FORSTER	Counsel for Phyllis Trayner - Nurse
J.A. OLAH	Counsel for Janet Brownless - R.N.A.
B. JACKMAN	Counsel for Mrs. M. Christie - R.N.A.
S. LABOW	Counsel for Mr. & Mrs. Gosselin, Mr. & Mrs. Gionas, Mr. & Mrs. Inwood, Mr. & Mrs. Turner, Mr. & Mrs. Lutes, and Mr. & Mrs. Murphy (parents of deceased children)
W.W. TOBIAS	Counsel for Mr. & Mrs. Hines (parents of deceased child Jordan Hines)
J. SHINEHOFT	Counsel for Lorie Pacsai and Kevin Garnet (parents of deceased child Kevin Pacsai)
M. ROSENBERG	Counsel for Sui Scott - Nurse
F.J. SHANAHAN	Counsel for Mr. & Mrs. Dominic Lombardo (parents of deceased child Stephanie Lombardo); and Heather Dawson (mother of deceased child Amber Dawson)

VOLUME 104

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E R R A T A

Submitted by Ms. Cronk

Volume 102 - Monday, February 13, 1984

Page 3215, line 12 - "place" should be "face"

Page 3217, line 3 - "remember anyone" should be
"remember anyone suggesting"

Page 3217, line 6 - "it would be" should be "where
it would be".

Page 3237, line 21 - "with" should be "that was"

Page 3239, line 11 - "would" should be "if"

Page 3246, line 9 - "that it you take up" should be
"that it could take up"

Page 3256, line 7 - "take" should be "tape"

Page 3257, line 19 - "that it" should be "that, it"

Page 3258, line 19 - "were assigned" should read
"were not assigned"

Page 3299, line 15 - "and the next" should read "and
that's the"

Page 3303, line 15 - "9:00 a.m." should read "9:00 p.m."



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3684

359 Statement of Lynn Johnstone,
Wednesday, April 29th, 1981,
8:40 a.m. - 9:20 a.m.

3684



/EMT/ak

1
2 --- Upon commencing at 10:00 a.m.

3 LYNN JOHNSTONE, Resumed

4 THE COMMISSIONER: With respect to
5 the motion tomorrow, I know that consistency is the
6 hobgoblin of little minds, but I have looked up in
7 Volume 87, and the first part of it is the ruling on
8 the Carol Browne statement, and I am going to as far
9 as I can - that should be a starting off point anyway
10 if you want to take a look at it.

11 Yes, now, Mr. Hunt?

12 MR. HUNT: Yes, Mr. Commissioner, if
13 I might --

14 MS. KITELY: If my friend is going
15 to make another comment, sir, could the witness be
16 released from the witness stand?

17 THE COMMISSIONER: Yes. Would you
18 like to go and just sit down for a moment? Don't
19 disappear, though.

20 ---Witness withdraws.

21 MR. HUNT: Sir, this is with respect
22 to the matter that I addressed you on Monday morning
23 first thing concerning comments made by representatives
24 of the Registered Nursing Association.

25 There are two matters that I wish to
address you on with respect to that this morning.



1
2 The first is that as it was left at that time it
3 was my understanding that Miss Kitely was going to
4 consider the matter of what she felt was appropriate
5 for her clients to be doing in respect of their
6 relationship with the media, comments about my clients
7 and comments about this Commission, and she was going
8 to indicate to you what the final position was.

9 As it was left, it was my understanding
10 that it was her view that her clients had a right to
11 speak to the media and to make such comments as they
12 felt appropriate.

13 Now since that time it has been drawn
14 to my attention that there was reported in the
15 Hamilton Spectator of Tuesday, January 31st, further
16 comments not just by representatives of the Nurses'
17 Association but by Miss Kitely herself, that while
18 they don't specifically refer to my clients they do
19 refer to this Commission, and in my submission the
20 manner in which it is being conducted. And I have
21 provided to you and to Commission Counsel and
22 Miss Kitely and to my friend Mr. Percival a copy of
23 this article that was drawn to my attention last
24 yesterday.

25 Now in this article as you can see
the comments of Miss Kitely are purported to be quoted



1
2
3 by the reporter. I don't know whether it is
4 Miss Kitely's view that they are accurately recorded.
5 Perhaps she may want to address you with respect to
6 that.

7 But my concern stems from the tenor
8 of the comments that have been made to apparently
9 350 nurses who were present at the time. The
10 suggestion clearly is that this Inquiry has taken an
11 approach that has it attempting to point to one of
12 the nurses as being responsible for the murders,
13 and particularly in the full paragraph where
14 Miss Kitely is reported as indicating that the
15 investigation of the deaths has turned into a non-
16 murder murder inquiry.

17 That, taken together with the comment
18 attributed to Miss Kitely about three-quarters of the
19 way through the article, "The Inquiry appears to be
20 trying to point a finger, and every one of us here
21 tonight knows it could have happened to one of us."

22 Now in my submission that is not
23 accurate; it is not fair to say that there is an
24 effort on your part to attempt to point the finger
25 or attempt to be treating these nurses unfairly in
the manner in which the Inquiry is conducted, and it
raises in addition to the question that I have as to



1
2
3 how far Miss Kitely suggests her clients may go in
4 dealing with this matter outside the Commission, how
5 far she herself feels it is appropriate to go in
6 terms of making comments to the media or in a
7 situation where the media is present with respect to
8 the nature and conduct of the Commission. Because
9 in my submission that is not appropriate, to be making
10 comments of that type outside of this Commission
11 room.

12
13 If there are complaints about the
14 manner in which this Commission is being conducted
15 they should be directed to you in the presence of
16 the other parties so that the matter can be fully
17 aired.

18
19 In my submission it is time now to
20 clear the air on this matter and put it to rest once
21 and for all.

22
23 Certainly in terms of my own clients,
24 if Miss Kitely's views as to what is appropriate, as
25 she expressed them the other day are still her
current views, then perhaps other remedies for that
will have to be explored, and I think it is fair to
know that now.

And in terms of what is in her view
appropriate for counsel to be doing outside this



1
2 Commission room in terms of commenting on the
3 operation of this Commission, I think it is important
4 for us all to know that and to be put on a proper
5 basis from here on in.

6 THE COMMISSIONER: Yes, Mr. Percival?

7 MR. PERCIVAL: Mr. Commissioner,
8 I would like to direct - as you can appreciate I was
9 not here on Monday morning. I had not been previously
10 made aware of that particular transcript involving
11 the CBC and Miss Lehmann.

12 I noted the comments made by you,
13 Mr. Commissioner, so far as the propriety of the
14 comments, and Miss Kitely's ability or inability to
15 control her clients.

16 Now one of the things that I have been
17 concerned about is, quite apart from the content of
18 the CBC interview and the contents of the Hamilton
19 Spectator article, is the comment that was made by
20 Miss Kitely at 3091 and said to you, sir - this is
21 in the volume for Monday of 102, and she says:

22 "I agree, sir, but there is one thing
23 that you may not be aware of and I
24 certainly am not giving any evidence
25 in this respect. But after you leave
this hearing room there are either



1
2 "cameras or reporters who are, shall I
3 say, jockeying for a position for
4 various statements. Sometimes they
5 get statements and sometimes they
6 don't. There is a whole world going
7 on in this hearing room after you're
8 gone, and in my submission it is unfair
9 and inappropriate for you to judge
10 just the RNAO and just Allie Lehmann
11 on the basis of one single transcript.
12 If we are going to get into this whole
13 issue, sir, we can get transcripts of
14 everything that everybody said to the
15 media since this hearing commenced."

16 Now, Mr. Commissioner, that leaves me
17 with the impression that there are statements being
18 made and I wish to assure this Commission that neither
19 myself nor Mr. Young nor any member of the Metropolitan
20 Toronto Police Force has given press releases, press
21 and media statements, which I would regard as totally
22 and utterly improper, and that has been our position
23 for the past six to eight months.

24 I would ask Miss Kitley and her clients
25 to address any comments she or her clients may have
about the Commission activities, their propriety,



1
2 my activities and my propriety to this Commission
3 in this forum, so that she may be answerable and
4 her clients may be answerable to this Commission and
5 so that counsel may fairly have the opportunity to
6 respond to the accusations, criticisms and comments.

7 There is no doubt in my mind,
8 Mr. Commissioner, and I say this with great feeling
9 because my clients are prepared to defend their honour,
10 their integrity and their conduct in relation to what
11 went on at the Hospital for Sick Children during
12 that nine month period and since that time in this
forum and before you, sir.

13 I am not going to try to defend it
14 outside and in the media, and it is not appropriate,
15 and if the reputation of any other person, group or
16 profession is subject to question in these proceedings,
17 I say to you, Mr. Commissioner, let them defend it
18 in here and not outside where no one can respond and
no one can comment.

19 Miss Kitely at page 3093 indicated
20 that she was intending to consider her position quite
21 apart from the notice of appeal and then make
22 appropriate comments to this Commission.

23 I would certainly like to hear those
24 comments. 48 hours have gone by and there is still
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no response, and if she wishes to defend her comments
or that of her clients, then let her do so in this
forum so that we may know where we are going and
where we have been and what we may expect in the
future.

7

Those are my submissions.

8

THE COMMISSIONER: Yes, thank you,
Mr. Percival.

9

Mr. Brown?

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MR. BROWN: Before Miss Kitley is
asked to respond, if indeed she wishes to respond,
if I might make a few comments, sir.

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2 It has been covered with increasing frequency by the
3 media and I think it inevitable that comments are
4 going to be made by various people who have strong
5 feelings on the matter, to the media. As to the
6 propriety --

7 THE COMMISSIONER: Well, I don't
8 think there is any question that people are entitled
9 to make comments if they want to. The problem is
10 whether the parties to this Commission, the people
11 withstanding, either they or their counsel are
12 entitled to make comments to the media. That is the
13 issue, it is nothing to do with what people may say.
14 People may write to the papers, the reporters may
15 say what they like, but the issue is whether you or
16 your client, or Miss Kitely or her client, or Mr.
17 Percival and his clients are entitled to make comments
18 to the media about the manner in which this hearing
19 is conducted, and about the manner in which some
20 counsel are behaving, about anything having to do
21 with the Commission, that's it. That is the problem
22 as I understand it.

23 MR. BROWN: Miss Kitely raised with
24 you, sir, on Monday, the matter of the appeal to the
25 Court of Appeal.

THE COMMISSIONER: I would have



B.2

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thought the Court of Appeal would have had some
interest in this matter.

4

5

MR. BROWN: That, sir, is a matter
of form and etiquette and I believe Miss Kitley
approached you last week on that matter.

6

7

8

9

10

THE COMMISSIONER: Yes. No, no, it
is not that, it is this comment about the matter,
when the matter is pending before the Court of Appeal,
I would think the Court of Appeal might not be too
pleased.

11

12

13

14

MR. BROWN: They may not be. I think
Miss Kitley took the appropriate steps to remedy that,
and certainly indicated that to you at the earliest
moment.

15

16

THE COMMISSIONER: I am not really
talking about that, I am talking about the headline
"Nurses fear right to name".

17

18

19

20

MR. BROWN: Well, with all due
respect, sir, that is a matter that has generated a
lot of interest. I do not think it improper as a
matter of principle --

21

22

23

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THE COMMISSIONER: Do you think it
is proper for you or your client, to hold an interview
with the press and tell them what you think about
what is going on at this Commission; do you think
that is right?



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MR. BROWN: I think that counsel if they are requested by a body to address them on this matter are entitled to respond to that request.

THE COMMISSIONER: Certainly, and Miss Kitley was speaking to her clients and she has a perfect right to speak to her clients, she can say anything she likes to her clients, but what are the press doing here, what are they calling in the press for?

MR. BROWN: I don't know why the press were there, sir. I submit, sir, there is nothing improper about Miss Kitley addressing a group of registered nurses --

THE COMMISSIONER: Nobody has said that at all.

MR. BROWN: I submit the comments that she has made are not inappropriate, that they are tempered, and that they show no disrespect I would submit to this Commission, nor to any party, nor to any counsel that stand before this Commission.

THE COMMISSIONER: Yes. All right. Thank you. Miss Forster, you are about to stand up?

MS. FORSTER: Yes, sir. I make no comment on the propriety of discussing the matter that is pending before the Court, I certainly agree



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that perhaps that is best left unsaid.

I am obviously very concerned about the press coverage too, it is my client who has been the brunt of most of it really. I think, sir, if you consider making a ruling on the propriety of counsel speaking to the press that I should draw to your attention that there have been several other comments made, especially with respect to my client, by what I understand to be counsel that have standing before the Commission who have not been named. The most recent incident I can think of is after Mrs. Bell's evidence there was a report on the news that a lawyer who wished to remain unnamed indicated that had they been aware of her evidence the investigation would have taken another tack. I am not pointing a finger at anyone, I don't know who it is, I don't even know if the report is accurate. That kind of reporting does cause me great concern and is highly prejudicial, and I simply ask that when you consider Mr. Percival's and Mr. Hunt's submissions to you to also consider that kind of reporting and statements that have been made by people who wish to remain unnamed.

THE COMMISSIONER: It is just a little hard, excuse my using the term, it is a little hard



B.5

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to police that problem.

3

MS. FORSTER: I quite agree, obviously
you can't tell the newspapers what to print.

5

THE COMMISSIONER: And I can't tell
unnamed lawyers what not to say, that is the problem.

6

7

MS. FORSTER: I agree, but in some
ways that is a lot worse than it is if somebody goes
on the record saying I think whatever.

8

9

THE COMMISSIONER: Yes. Okay, do you
have any comments to make, Miss Kitley?

10

11

MS. KITLEY: Yes, sir. I requested
the other day when Mr. Hunt brought the topic up to
have an opportunity to consult with my clients about
this. As recently as about 15 minutes ago when I got
here this morning I was speaking again with Gail Paech,
the President of the RNAO, and I expect to be in a
position to respond to Monday's issue tomorrow, and
I will add today's issue to my response and I would
appreciate being given an opportunity to deal with it
at that time.

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THE COMMISSIONER: Yes, all right.

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MS. KITLEY: Thank you, sir.

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THE COMMISSIONER: Does anyone else
have anything to say now, or any other time? All right,
I think we will let this matter stand until tomorrow,

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or whenever we hear from Miss Kitley.

Now I have almost lost track of
where we are. Yes, Mr. Brown?

CAROL LYNN JOHNSTONE, Resumed

CROSS-EXAMINATION BY MR. BROWN:

Q. Mrs. Johnstone, my name is
Brown and I act for Miss Nelles. During his
questioning of you yesterday Mr. Lamek asked you
about your recollection of the events surrounding
the death of Justin Cook. If I recall you stated
that you were present on Wards 4A and B twice that
night, once around 12:31 and that you returned a
second time I believe around 3 a.m., is that correct?

A. That's right.

Q. And when you returned at around
three you went back to the nursing station on 4A,
and I understand you saw at the back of the nursing
station a number of nurses?

A. That's right.

Q. And those nurses included
Miss Nelles, Mrs. Bell and Miss Christie?

A. Yes.

Q. And at that point you observed
them having a coffee and I believe you said you
joined them for a coffee?



B.7

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A. That's right.

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Q. And you distinctly recall speaking with Miss Nelles about the condition of Justin Cook?

5

6

A. Yes, I do.

7

Q. And you spoke with her for about five or ten minutes, is that right?

8

A. Yes.

9

10

Q. And at the end of that conversation Miss Nelles left the nursing station?

11

A. Yes, she did, she went down to go back into Justin Cook's room.

12

13

Q. And shortly thereafter you observed Mrs. Trayner coming from that direction into the nursing station?

14

15

A. Yes.

16

17

Q. And I take it at that point you would assume that Mrs. Trayner had relieved Miss Nelles and was returning to the nursing station?

18

19

A. I had asked when I arrived on the ward where Phyllis was and the nurses told me that she was in with Justin Cook relieving Susan.

20

21

22

Q. Mrs. Trayner came to the nursing station, and if I recall your evidence you said you spoke with her for about ten to fifteen minutes?

23

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B.8

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A. Yes.

3

Q. And after that conversation

4

you then both got up to leave and you moved towards
in front of the nursing station?

5

A. That's right.

6

Q. And it was at that point that

7

you heard Susan Nelles call out for Mrs. Trayner?

8

A. That's right.

9

Q. So am I correct in saying then

10

that it would have been ten to fifteen minutes after

11

Susan Nelles had gone back into Room 418 that you got

12

up and at that point heard her call for Mrs. Trayner?

13

A. Yes.

14

Q. And Mrs. Trayner went to go

15

into Room 418?

16

A. Yes, she did.

17

Q. And you followed her?

18

A. Yes, I did.

19

Q. When you entered Room 418 you

20

saw Miss Nelles I take it?

21

A. Yes, she was at Justin's bedside.

22

Q. Did you observe whether she

23

was holding the child in her arms at that time?

24

A. I can't recall, no.

25

Q. You can't recall one way or

26

the other?



B.9

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A. No.

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Q. When you entered that room,

4

aside from Miss Nelles who was in there, and Mrs.

5

Trayner who had preceded you, did you observe any

6

other person in the room?

7

A. I think that Janet Brownless

8

was in the room, on the other side of the room feeding

one of the babies.

9

Q. Do you recall whether Miss

10

Brownless had in her armsthat child?

11

A. Yes.

12

Q. And was she feeding the child

orally?

13

A. Yes.

14

Q. So she would have had a bottle

15

of formula and was feeding the child that way?

16

A. Yes.

17

Q. Do you recall, aside from

18

Miss Brownless, seeing anyone else in the room?

19

A. No, I don't. Mrs. Bell came

20

in behind us also but I don't remember seeing anyone

else there.

21

22

23

-

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/BM/ak

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behind you?

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Q. Did she come in immediately

A. She followed us in, yes.

5

6

Q. Mrs. Bell was in the nursing station at the time you heard Susan Nelles call for Mrs. Trayner?

7

A. Yes, she was.

8

9

Q. When you went into Room 418 did you notice whether the television was on?

10

A. I can't recall.

11

12

Q. Are there any televisions in Room 418?

13

A. Yes, there are.

14

Q. How many are there?

15

A. I can only think of one.

16

Q. And where would that be located?

17

A. It was up on the wall above Justin Cook's bed.

18

19

Q. So, if you were to go into Room 418 it would be to your right?

20

A. Yes.

21

Q. And up on the wall?

22

A. Up on the wall.

23

Q. It sits on some sort of ledge?

24

A. Yes.

25



1

2

3

Q. Would it be above, more than
5 feet up; is it a fair way up the wall?

4

A. Yes, it is.

5

6

7

Q. You had been on the ward once
before that night around 12:30 or 1:00. At that time
do you recall whether the television was on?

8

A. I couldn't say for sure, no.

9

10

Q. Is it the practice on that
ward at least at that time to have the television on
at some point in time during the night?

11

12

13

A. Not necessarily, it depends on
different nurses, who is working, whether they have
the T.V.'s on or not.

14

15

Q. Had you seen it on or not on
occasion?

16

A. Yes.

17

18

Q. Going back about a week and a
half you also told Mrs. Lamek of the events surrounding
the arrest of the child Manojlovich.

19

A. Yes.

20

21

22

23

Q. Which occurred in the early
morning hours of March 12th. If I recall, you
responded to the Code 25 that was placed on that
child?

24

A. Yes, I did.

25



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Q. So, you were not there in the room during the terminal events leading up to the calling of the Code 25?

A. No, I wasn't.

Q. Now, am I correct that Manojlovich was in Room 438 on Ward 4B?

A. Yes.

Q. And is that a single bed room?

A. Yes, it is.

Q. Is it sometimes used for isolation?

A. Yes.

Q. And is it your recollection that on the night of that child's arrest there was only one bed in the room?

A. Yes.

Q. And how was that bed positioned in the room?

A. The head of the bed was up towards the wall and close to the oxygen and suction equipment that is there on the wall.

Q. So, if you were to enter the room you would observe the bed length-wise in front of you?

A. Yes.



1

2

3

Q. With the head on your right
and the foot on your left?

4

A. Yes.

5

6

Q. And the child was present in
the bed?

7

A. Yes.

8

Q. When you entered that room
the arrest team had already arrived?

9

A. Yes.

10

11

Q. And there were a number of
nurses both from 4A and 4B in that room?

12

A. Yes, there were.

13

14

Q. And amongst the nurses present
you recall seeing Miss Nelles?

15

A. Yes, I do.

16

17

Q. Do you have any recollection
of where Miss Nelles was standing in that room?

18

A. She was standing on the right
hand side of the bed, Michelle's bed.

19

20

Q. If one were to enter the room
you have the bed length-wise in front of you, was
she on the near side or the far side of the bed?

21

A. The near side.

22

23

Q. On the near side of the bed.

24

A. Yes.

25

26



1

2

3

4

Q. And did she stay on the near side of the bed throughout the arrest or did she move around?

5

6

7

8

9

10

A. While the arrest procedures were going on the bed was tilted towards the other way so that the foot was facing the doorway so that there was easier access for people, for intubation and for the anaesthetist and at that time you could say she was on the right side of the bed, the same side that she had been on before.

11

12

Q. So, she would be between the bed and the wall?

13

14

A. Yes.

15

Q. And there were people at the foot of the bed?

16

17

A. Yes.

18

19

Q. Where was the crash cart located in the room?

20

21

A. It was at the foot of the bed also.

22

23

Q. So, Miss Nelles would have been on the other side of the crash cart?

24

25

A. That's right.

Q. And where would the surgeon have been, do you recall?



1

2

A. I can't recall, no.

3

Q. The anaethetist?

4

A. At the head of the bed.

5

Q. On the right or the left side?

6

A. At the head of the bed.

7

Q. Right at the head of the bed?

8

A. Yes.

9

Q. Do you recall whether there

10

was a greater grouping of people on the left or the
right hand side of the bed?

11

A. I think there would be more

12

people on the left hand side of the bed than on the
right.

13

14

Q. Okay, and there would have

15

been the crash cart at the end of the bed?

16

A. Yes.

17

Q. And I take it there would have

18

been a nurse stationed by the crash cart to prepare
the medications as ordered by the doctor?

19

A. Yes.

20

Q. And it is your recollection

21

that Miss Nelles at some point during the arrest
was doing decompressions?

22

23

A. Yes.

24

Q. And you recall her being in

25



1

2

the room until the child was pronounced dead?

3

A. Yes.

4

5

6

Q. And we know from the medical records in the Atlanta Report the child was pronounced dead at approximately 3:30 or 3:35?

7

A. Yes.

8

9

Q. Did you remain in the room after the child was pronounced dead?

10

11

A. No, I didn't. I started to leave the ward and go towards the nurses station to leave the ward.

12

13

Q. And it was at that point that you bumped into Miss Nelles?

14

A. Yes.

15

16

Q. So, she would have left some time before you did?

17

A. I think so, yes.

18

19

Q. And it was at that time that she commented to you about the arrhythmias Kevin Pacsai had been demonstrating.

20

A. That's right.

21

22

23

24

25

Q. I believe you said that you left the ward but you came back again and you saw Miss Nelles and Mary Jean Halpenny around 4:30 or 5 o'clock.



1

2

A. Yes, I did.

3

4

Q. And that both of those nurses expressed a concern to you about the condition of Pacsai.

5

6

A. Yes.

7

8

Q. And were they suggesting that Pacsai be transferred to the Intensive Care Unit?

9

10

11

12

13

A. They wanted to see the child transferred off the ward, yes.

14

15

16

Q. Did they indicate to you that they were concerned that a resident or doctor had looked at the child and then had gone home without remaining to care for the child?

17

18

19

20

21

A. I think they might have now that you mentioned it. I didn't remember it but I think they might have.

22

23

24

25

THE COMMISSIONER: I'm sorry, you think they might have said what?

THE WITNESS: That one of the doctors had looked at the child and then gone home.

THE COMMISSIONER: You're referring to Pacsai?

THE WITNESS: Yes.

THE COMMISSIONER: Did they say what doctor it was? Wait a minute, wait a minute,



1
2 I'm getting into trouble with this. Are you pursuing
3 that question?

4 MR. BROWN: Q. Well, you recall
5 them saying that a doctor had examined the child and
6 had gone home?

7 A. Yes.

8 Q. Did they express a concern to
9 you that the doctor shouldn't have gone home, that
10 they wanted him to stay there and monitor the child?

11 A. They were concerned because
12 they felt the child was not stable and that someone
13 should be there, yes.

14 Q. Were they upset that the doctor
15 had gone home?

16 A. I think they were annoyed, yes.

17 Q. Was that expressed to you by
18 Miss Nelles and Miss Halpenny?

19 A. Yes.

20 Q. And do you recall them
21 identifying the doctor?

22 A. No.

23 Q. You were employed at the
24 Hospital for Sick Children during the months of
25 August and September of 1982?

A. Yes.



1

2

Q. I'm sorry, 1981.

3

A. Yes.

4

5

Q. This was after the arrest of
Susan Nelles but before the preliminary inquiry?

6

A. Yes.

7

8

Q. During that time did you ever
receive any strange or unusual telephone calls?

9

A. No, I did not.

10

Q. During that time did you ever
see any strange markings?

11

12

13

A. One night Mary Jean Halpenny
called me from the locker room downstairs where the
nurses change.

14

Q. Where were you?

15

16

A. I was in the nursing office
at the time.

17

Q. And what floor is that on?

18

19

20

21

22

23

A. On the 4th floor. She told
me that there were some markings on the door leading
into the locker room where Phyllis' and Sui Scott's
locker were and that there were some X's marked on
Phyllis' locker. So, I said I would go right down
and before I went down I called security and met
them downstairs.

24

Q. Do you recall what time of the

25



1
2 night or morning this was?

3 A. It was in the evening because
4 the girls had been working a long day shift and by
5 this time I was on evenings supervising and they
6 were on their way off duty.

7 THE COMMISSIONER: This was you
8 said before the preliminary. Can you be any more
9 help to us what time it was?

10 THE WITNESS: What time?

11 THE COMMISSIONER: I mean what
12 month. Would it have been the fall?

13 THE WITNESS: I think it was the
14 fall, yes.

15 MR. BROWN: Q. Would it have been
16 the late summer or early fall?

17 A. I think it was the fall.

18 Q. Do you recall the particular
19 month?

20 A. No.

21 Q. Can you recall the day of
22 the week?

23 A. I think it was a Sunday.

24 Q. So, you have said that
25 Miss Halpenny phoned you. She indicated that she
was downstairs in the locker room area?



1

2

A. Yes.

3

4

Q. And you decided you would go
down but before you went down you called Hospital
security?

5

6

A. Yes, I did.

7

8

Q. And what did you ask them to
do?

9

10

A. I asked them to meet me
downstairs because the nurses had reported an
incident to me and I think after I went down and
I was there with security I called the police
department also. I called administration and the
police department.

11

12

13

14

Q. Okay, before we get into that.
Do you recall who it was in security that you phoned?

15

16

A. The person's name?

17

Q. That's right.

18

A. No, I don't.

19

Q. So, you went downstairs and
at that point you saw Miss Halpenny?

20

A. Yes.

21

Q. And there was a person from
security there?

22

23

A. I arrived before security did.

24

Q. Was there any other person

25



1

2

there?

3

A. Phyllis was still there and I

4

can't remember whether there were other people there

5

or not.

6

7

8

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EMT.jc
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Q. What did you observe there?

A. There was a big X marked on the door into the locker room.

Q. You said a big X. What colour was it? What was it made of?

A. It looked like - it was reddish brown; it may have been lipstick.

Q. Did you observe anything else?

A. No.

Q. That was the only X that you observed?

A. That was the only one I observed. I did not go into the locker room and look at the locker, no.

Q. And did either Miss Halpenny or Mrs. Trayner indicate to you what members of the nursing staff on 4A or 4B had their lockers in that locker room?

A. I asked Mary Jane, and I think she told me that both Phyllis and Sui Scott's lockers were in that room.

Q. Was there any indication that the lockers of Miss Scott or Mrs. Trayner had been marked?

A. I think they told me that just



D.2

1

2

Phyllis' locker had been marked.

3

Q. But you didn't see that?

4

A. No, I didn't.

5

Q. You said that you phoned the
police?

6

7

A. I had phoned Administration
of the Hospital and then I phoned - got their
permission to phone the police.

8

9

10

Q. When did you phone the
Administration of the Hospital?

11

12

A. After I had gone down and saw
the marks on the door.

13

14

Q. So you would have phoned them
from the basement area --

15

16

A. Yes.

17

18

Q. -- where the lockers were kept?

19

A. Yes.

20

Q. And you phoned them immediately?

21

A. Yes.

22

Q. Did they advise you - well, do
you recall who you spoke to?

23

A. No. Yes, I think it was

24

Mr. Brown, Craig Brown.

25

Q. Mr. Craig Brown?

A. Yes.



D.3

1

2

Q. What did he tell you to do?

3

A. He told me that he was coming

4

in and to go ahead and call the police.

5

Q. And did you do that?

6

A. Yes, I did.

7

Q. Immediately?

8

A. Yes.

9

Q. Who did you phone? What

10

police officer did you phone?

11

A. I don't know who I talked to;

I am sorry.

12

Q. What did you advise this

officer?

13

A. I told them that I had received

14

a call that there had been some markings on one of

15

the doors going into the locker room, on one of the

16

nurse's lockers, and two uniformed officers came down

17

to the Hospital and looked at the door. I can't

18

remember if they went into the locker room or not.

19

They may have. And then Mr. Brown arrives and we

20

went up to his office in the Administration Department

of the Hospital.

21

THE COMMISSIONER: Who are "we"?

22

THE WITNESS: The two police officers,

23

Mr. Brown and myself and Mrs. Trayner.

24

25



D.4

1

2

MR. BROWN: Q. When you went up to
the office in the Hospital, what transpired?

3

4

A. The police officers just asked
I think how and when they found the markings on the
door and what they did in response to it and what I
did in response to it.

5

6

7

Q. I take it the police officers
arrived a short time after you had made the phone
call to the police?

8

9

10

A. About 15 or 20 minutes, yes.

11

12

Q. And do you recall the police
officers making notes of what you had said in their
notebook?

13

14

A. I think one of them was making
notes.

15

16

17

Q. Did the police officers ask
either you, Mrs. Trayner, Miss Halpenny, to make a
written statement?

18

19

20

A. No.

Q. What did they advise - after
hearing what had happened that evening what did they
advise you to do?

21

22

23

A. I can't - I don't know if they
advised anything. I just felt that we needed to
report it and we reported it.

24

25



D.5

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2

3

Q. On any other occasion did you
ever see strange markings?

4

5

6

7

A. I didn't see them but I heard
that Phyllis' back window of her car had been marked
with the same type of marking. I can't remember if
it was that night or another night.

8

9

10

11

Q. But you never witnessed yourself
any other strange markings?

12

13

14

15

16

17

18

19

20

21

22

23

24

25

A. No, I didn't.

Q. And you never personally
received any strange telephone calls?

A. No, I didn't.

Q. Turning to the events surrounding
the death of Justin Cook and the following couple of
days, I believe you said that you came in on the
night of Saturday, March 21st, and were advised by
Miss Ross that digoxin had been placed under control?

A. Yes.

Q. You were not told at that time,
were you, that there had been a meeting that Saturday
afternoon between representatives from the Hospital
and the Coroner's office?

A. No.

Q. Did you ever learn that such a
meeting had taken place?



D.6

1

2

A. I don't know.

3

4

Q. Were you aware at that time
that there was a coroner's inquest into the death
of Baby Pacsai?

5

6

7

8

9

A. I knew the coroner had been
involved because on the Friday night, the night
before, Susan had mentioned that her head nurse had
called her at home and asked her about the digoxin
that she had given to the child.

10

11

12

Q. So it was at that time, that
was the first time you learned about the coroner's
inquest?

13

A. That is right.

14

Q. I gather you were off duty the
Sunday and the Monday evenings?

15

A. That is right.

16

Q. Were you in town those two days?

17

A. I think so.

18

Q. You didn't go away on vacation?

19

A. No.

20

Q. And were you contacted on those
two days by anyone from The Hospital for Sick Children?

21

A. No, I wasn't.

22

23

Q. Were you contacted on either
of those two days by a representative of the

24

25



D.7

1

2

Metropolitan Toronto Police?

3

A. No.

4

5

Q. Had they wanted to get in touch with you you were available: you were in town, weren't you?

6

7

A. Yes.

8

Q. Now the Tuesday evening I believe you returned to work?

9

A. Yes, I did.

10

11

Q. And at that time you were advised by Mrs. Coulson that the Phyllis Trayner team had been placed on leave?

12

13

A. Yes.

14

Q. And they were not reporting to duty?

15

16

A. That is right.

17

18

Q. Can you recall whether that evening, the Tuesday evening, there was any discussion about an ongoing police investigation in the Hospital?

19

A. I can't recall one, no.

20

21

Q. Do you have any recollection about the first time you were aware the police were in the Hospital?

22

23

A. I think the first time I was aware was the Thursday evening, nights, when I came

24

25



D. 8

1

2

to work and there had been a message left for me by Miss Evans to see her in the morning. She didn't say what the meeting was about or anything, and then when she came in in the morning she told me that a police officer would be coming to meet with me and ask me about ...

7

8

Q. So that was the first direct contact you had with the police?

9

A. Yes.

10

11

Q. But I take it you learned on Wednesday that Miss Nelles had been arrested and charged with the murder of Justin Cook?

12

13

A. I heard it on the news.

14

Q. You would have heard it the Wednesday?

15

A. Yes.

16

17

Q. So it would be safe to assume that at that point you knew somebody must have investigated the matter and laid the charges against Miss Nelles?

18

19

A. Yes.

20

21

Q. So although your first contact with the police was on Thursday, I take it it would be reasonable to assume that by Wednesday you knew the police were probably involved?

22

23

24

25



D.9

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A. It was Friday that I first spoke with the police.

Q. You first spoke with the police, that is right, but on Wednesday you did know of Miss Nelles' arrest?

A. I had heard it on the radio, yes.

Q. Prior to hearing of her arrest on the radio were you ever advised by anyone in the Hospital that the police intended to go out and arrest Miss Nelles?

A. No.

Q. When did you first hear about the meeting that was held at Liz Radojewski's house?

A. It was either the Tuesday or Wednesday night that I was at work.

Q. Do you recall who told you that?

A. I can't recall which nurses were working, no.

Q. Do you recall whether the details of what went on at Miss Radojewski's were discussed with you?

A. I think all they said to me was that they had met to support each other through this stressful time and Susan had brought up the matter that Liz had phoned her at home in Belleville



D.10

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while she was on her days off, and informed her that the coroner was involved with Kevin Pacsai's death, and I think someone told me that she had mentioned contacting a lawyer because she had felt she didn't do anything wrong.

Q. And you would have learned that on the Tuesday or Wednesday?

A. Yes.

Q. And is that your full understanding about what went on at that meeting?

A. Yes.

Q. Now you had mentioned before that, on two occasions, about Miss Nelles commenting on Miss Radojewski phoning her at home.

I believe Miss Nelles told you that the Friday night when you came back?

A. Yes.

Q. And you said that she was miffed that Mrs. Radojewski had phoned her at home?

A. Yes.

Q. And was it your understanding that Mrs. Radojewski had phoned her in Toronto or Belleville?

A. In Belleville.

Q. So that wasn't her home; it was her parents' home?



D.11

1

2

A. Her parents' home, I am sorry.

3

Q. And Miss Nelles had been away

4

on vacation for a couple of days?

5

A. I don't know whether she was

6

on vacation or just days off. I don't know.

7

Q. I see. So would I be safe in

8

saying that she was miffed because she was phoned at
home on her days off?

9

A. Yes. If that is what it was.

10

Q. Did she explain why she was upset?

11

A. I think it was more of a

12

surprise that she had done this, that she had phoned

13

her in Belleville. That is more what it was. She

14

was kind of surprised why she would do that.

15

Q. Instead of waiting until she

16

returned to Toronto?

17

A. To work, yes.

18

Q. Now you mentioned that the

19

Thursday evening when you worked there had been a

20

note left for you by Miss Evans asking you to meet
with the police the following morning?

21

A. I am sorry, did you say that

22

Thursday?

23

Q. Yes. Thursday evening, March

24

26th.

25



D.12

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3

4

A. There was just a note left for me that she would like to see me in the morning. She didn't say what it was about.

5

6

Q. And then you subsequently met with Miss Evans at the end of your shift on Friday morning?

7

8

A. That is right.

9

10

Q. And she advised you that a representative of the Metropolitan Toronto Police wanted to meet with you?

11

A. Yes.

12

13

Q. And did she advise you why he wanted to meet with you?

14

A. I don't know whether she said in regards to a specific baby or not.

15

16

17

Q. Well, when she told you that a police officer wanted to meet with you, what was your understanding of the purpose of the meeting?

18

19

A. Just that he wanted to ask me some questions.

20

21

Q. Well, at that time Susan Nelles had been arrested. Was it your understanding that he wanted to ask you some questions about Justin Cook?

22

23

A. Yes.

24

25

Q. Was it your understanding at



D.13

1

2

that point that he was going to ask you questions
about anything else?

3

4

A. No.

5

Q. And then I believe you met
with a Sgt. Sangster?

6

7

A. Yes.

8

Q. That Friday morning?

9

A. Yes.

10

Q. And Mr. Percival has advised us
that the meeting lasted about an hour and a half, about
8 until 9:30 in the morning?

11

12

A. Yes.

13

Q. And you met with him at an office
in the Hospital?

14

15

A. Yes.

16

Q. Prior to meeting with him were
you asked by Sgt. Sangster or by anyone from the police
at the Hospital to bring documents with you to that
meeting?

17

18

19

A. No.

20

Q. Prior to that meeting were you
asked to review your files to see whether there were
any documents relating to Justin Cook and to bring
those with you to the meeting?

21

22

23

A. No.

24

25



D.14

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Q. When you entered the room and after Sgt. Sangster had introduced himself, what did he tell you the purpose of the meeting was going to be?

A. He wanted to cover the course of events of my night.

Q. And which night was that?

A. That would be the Saturday night that Justin Cook died.

Q. Okay. Did he advise you that he was interested in covering any other matter?

A. No, he didn't.

MR. PERCIVAL: Mr. Commissioner, a matter that was left rather in limbo and if my friend is getting into it, and I have no objection, but two statements that my friend Miss Kately said that - and I think Mr. Brown --

THE COMMISSIONER: Oh, yes, I had forgotten about that.

MR. PERCIVAL: I would like to have them in if that is the situation.

THE COMMISSIONER: Yes.

Miss Forster, have you any comments?

MS. FORSTER: Without agreeing to the principle of admitting statements, I don't have any objection to those two statements.



D.15

1

2

THE COMMISSIONER: Yes. All right.

3

Well, let's have the statements.

4

I did think about it, I assure you,

5

but I got waylaid somewhere along the line.

6

MR. PERCIVAL: There were other

7

matters of pressing concern this morning. I had

8

forgotten about it too, Mr. Commissioner.

9

THE COMMISSIONER: Well, where are the

10

statements? What has happened to them?

11

MR. LAMEK: Certainly we don't have

12

copies of them at the moment, Mr. Commissioner. We

13

can get them at the break and distribute them and
have them marked.

14

THE COMMISSIONER: Yes. All right.

15

You, of course, have a copy?

16

MR. PERCIVAL: Oh, I have, but I have

17

some notes on them; that's the difficulty.

18

THE COMMISSIONER: Oh, no, no. I

19

don't mean to put them in, but it won't embarrass you

20

if you are called on before. But Mr. Lamek says he

21

will have them available to go in and for all counsel

22

by the break. After the break.

23

MR. PERCIVAL: All right. Thank you.

24

MR. BROWN: Q. You were telling me,

25

Miss Johnstone, that Sgt. Sangster indicated he



D.16

1

2

wanted to review the events of Saturday, March 21st,
with you?

3

4

A. Yes.

5

Q. And did he indicate that he
was going to review any other matters with you?

6

7

A. Not that I can recall, no.

8

Q. Okay. After advising you of the
purpose of the meeting, what happened next? What
was the next thing that happened? What was the first
topic of discussion?

10

11

A. He just asked me some questions
about my education and training, and asked me what
my responsibilities were as a night supervisor, and
then he asked me to go through my night.

12

13

14

Q. And the night being March 21st?

15

A. That is right.

16

Q. At that point did Sgt. Sangster
indicate to you how he knew that you were on duty
that night?

18

19

A. No, I don't think so.

20

21

22

23

24

25



E
DM/PS

1
2 Q. Did he show you the nursing
3 rotation sheet which was marked as Exhibit 351,
4 and point out to you that you were present, or
5 present in the hospital that night?
6 A. No.
7 Q. It was just taken for granted at
8 that point that you were on duty that night?
9 A. Yes, I think so.
10 Q. He asked you to review the
11 events of Saturday, March 21st, and before he asked
12 you to do that were you given your tour end report
13 to refresh your memory?
14 A. No.
15 Q. Were you given that at any
16 point during the interview?
17 A. No.
18 Q. Were you given a copy of the
19 Cook medical record to refresh your memory?
20 A. No.
21 Q. Was that made available to you
22 at any time during the interview?
23 A. No.
24 Q. What about the assignment books
25 for Ward 4A or Ward 4B?
A. I didn't see either, no.



1

2

Q. What about the WIN sheets regarding the nurses on Wards 4A and B, were those shown to you?

4

5

A. No.

6

Q. Was any documentation made available to you during the course of the interview to assist you in refreshing your memory?

7

8

A. Not that I can recall, no.

9

Q. And at that point you didn't have any personal notes of those events?

10

11

A. No, I didn't.

12

Q. So I take it that your narration of events really was off the top of your head to the best of your recollection?

13

14

A. That's right.

15

Q. During the interview did Sergeant Sangster indicate to you whether or not the police had interviewed other nurses about the events that took place that night?

16

17

18

A. I can't recall.

19

Q. After you started your narration, and if you wish you can refer to your statement, one of the first things that appears here, I have a typed statement and I don't know whether you have that or a handwritten statement.

20

21

22

23

24

25



1
2 A. I have the handwritten one and
3 the typed one, I think.

4 Q. If we could perhaps refer to the
5 typed one then for ease of reference.

6 THE COMMISSIONER: Bear in mind counsel
7 do not have this statement, nor do I. So if you are
8 going to refer to it, or read fully from it, I don't
9 mean you have to review the whole thing, but just
10 remember that we don't have a copy.

11 MR. BROWN: Yes, sir.

12 Q. Referring to the typed copy,
13 the first third of the first page is your personal
14 history, your educational background. Then the bulk
15 of the middle portion of the page is a description of
16 the duties that you perform as a nursing supervisor,
17 is that right?

18 A. Yes, I haven't found it yet,
19 I have the handwritten one right in front of me here.

20 Q. Okay, perhaps you can follow
21 on those and I think the contents are probably the
22 same. After a description of what you do as a
23 nursing supervisor you then indicated that you were
24 on duty the night of Saturday, March 21st.

25 A. Yes.

Q. And that one of your duties was



1
2 to supervise Wards 4A and B?

3 A. Yes.

4 Q. And then the next notation is
5 that some time between 12:30 a.m. and 1 a.m. on
6 Sunday, March 22, 1981:

7 "...when I left the nursing office I
8 made my first visit to Wards 4A and 4B."

9 A. That's right.

10 Q. And that appears on your
11 handwritten statement.

12 A. Yes.

13 Q. Now, when you indicated to
14 Sergeant Sangster that you went to Wards 4A and B at
15 around 12:30 or 1 a.m., did he ask you how you can
16 recall the time?

17 A. I don't recall him asking me
18 that, no.

19 Q. Did he ask you whether you were
20 sure about that time?

21 A. I can't say for sure, no.

22 Q. Then following on in the state-
23 ment you then describe the conversation with Mrs.
24 Trayner, the tour end report, and the rounds that you
25 made on that ward. Then you said you left the ward,
and then there is a statement:



5

1

2

"About 3 a.m. I returned to Wards 4A and

3

B."

4

Do you see that in your statement?

5

A. Yes.

6

Q. And when you indicated to

7

Sergeant Sangster that you returned to the ward around

8

3 a.m., did he at that point stop you and ask you how
you could recall the time?

9

A. I don't think so.

10

Q. You then continue:

11

"I spoke to the nurses in the back of

12

the nursing station, Mrs. Bell, Susan

13

Nelles and Mrs. Christie were there and

14

a couple of nurses came in and went out.

15

I asked Mrs. Bell how the children were

16

on 4B. I asked Susan Nelles how things
were with Justin."

17

Now, when you related to Sergeant Sangster that you

18

had a conversation with Susan Nelles some time around

19

3 a.m., did he stop you at that point and ask you how

20

you could recall having that conversation?

21

A. No, I don't think so.

22

Q. Did he show any interest in you

23

having a conversation with Susan Nelles at that point

24

in the early morning?

25



1

2

A. Did he show any interest?

3

Q. Well, when you advised him that

4

around 3:00 that morning you went to the nursing

5

station and there was Susan Nelles in the back of

6

the nursing station talking to other nurses, did he

7

seem particularly interested in that fact?

8

A. I can't recall whether he asked

9

me who was looking after Justin while she was there,

or whether I just offered the information.

10

Q. So there might then have been

11

discussion about -- some discussion as to who was

12

taking care of Cook in Miss Nelles' absence?

13

A. Yes.

14

Q. And indeed immediately following

15

what I have read you in the statement, it is attributed
to you:

16

"...Susan then went back into room 418

17

and Mrs. Trayner came out and spoke to

18

her..."

19

I guess meaning you:

20

"...about the rest of the children.

21

Mrs. Trayner was relieving Susan at that
time."

22

So you did advise Sergeant Sangster that Susan Nelles

23

had been relieved from her care of Justin Cook?

24

25



1

2

A. Yes.

3

4

Q. Was there any indication by you,
or by Sergeant Sangster, that Cook was on constant
nursing care?

5

6

A. No.

7

8

Q. You didn't have the assignment
books there so that could not be confirmed at that time.

9

10

A. No, I didn't.

11

12

Q. Did Sergeant Sangster ask you
any questions about constant nursing care?

13

14

A. No.

15

16

Q. Did Sergeant Sangster ask you any
questions about how often a nurse would be relieved
when assigned to constant nursing care?

17

18

A. No.

19

20

Q. When you indicated that Susan
Nelles had been relieved for some period of time and
then went back into the room, did Sergeant Sangster
show any particular interest in that fact?

21

22

A. Not that I can recall.

23

24

25

Q. Do you recall whether he questioned
or probed you at any length on that fact?

A. I am not sure, no.

Q. After that you appear to have
described the events of the arrest that is:



1

2

"Mrs. Trayner walked in front of the
nursing station and she heard Susan
call for her."

3

4

5

In your statement there is no notation as to how long
you remained in the nursing station before you heard
Susan Nelles call out. Do you recall whether you would
have told Sergeant Sangster?

6

7

8

9

A. I don't know whether I had said
how long after she went back we were there or not,
I don't know.

10

11

12

13

14

15

Q. You then described the arrest and
you were asked specific questions about the
various medications given during the arrest. Aside
from being asked to recall what happened that night,
do you recall any other specific questions directed
to you by Sergeant Sangster?

16

17

18

19

A. In what regard? To that night?

20

21

22

Q. In regard to the events of that
night, were there particular areas that he focused
in on and asked you questions about?

23

24

25

A. No.

Q. During the course of that inter-
view, did he ask your opinion about Miss Nelles'
abilities as a nurse?

A. I don't know. I can't say for sure



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that he asked me about Susan's abilities, but I know
I said that I couldn't believe that she would do that.

Q. That does not appear in your
statement, does it?

A. No.

Q. And you told us yesterday when
asked by Mr. Lamek, about your opinion of Miss Nelles
as a nurse, that she was an excellent nurse, astute
and conscientious.

A. Yes.

Q. I take it if you had been asked
that question by Sergeant Sangster at that time your
answer would have been the same.

A. That is right.

Q. During this interview Friday
morning with Sergeant Sangster, did he indicate to you
that he was interested in your recollection of the
deaths of any children other than Justin Cook?

A. No, I don't think so.

Q. Did he indicate that he was
interested in particular about the deaths of Babies
Pacsai, Miller or Estrella?

A. No.

Q. But you were present in the
hospital the night those children died.



1

2

A. Well, Pacsai died during the day.

3

Q. That is quite correct.

4

A. I was there during the night when
the child was on 4B before he was transferred to ICU.

5

6

Q. During this interview on Friday
did Sergeant Sangster indicate to you that he was
interested in your recollection of the high number
of deaths that had occurred in the hospital during
that last half of 1980?

7

8

9

10

A. Not that I can recall, no.

11

Q. You can't recall any discussion
of that?

12

13

A. No.

14

Q. Did he express to you his interest
in the apparent coincidence between those deaths and
the presence of Phyllis Trayner's nursing team?

15

16

A. No, I don't think so.

17

Q. That was not raised.

18

A. I don't think so, no.

19

Q. Did he express to you any interest
about the conflicts on that nursing team?

20

21

A. No.

22

Q. Did he express to you that he was
interested in your knowledge of the conduct or
behavior of any person, be it a physician, a nurse,

23

24

25

10



1
2 or support staff, other than Susan Nelles.

3 A. No, I don't think so, no.

4 Q. Was there any suggestion then to
5 you during the course of that interview that Sergeant
6 Sangster was interested in anything other than the
7 events surrounding the death of Justin Cook?

8 A. No. I was under the impresssion
9 that he was just interested in the events around
10 Justin Cook.

11 Q. Were you also under the impression
12 that he was just interested in Susan Nelles' involvement
13 in those events?

14 A. I'm sorry, could you repeat that?

15 Q. Were you also under the impression
16 that he was just interested in Ms. Nelles' involvement
17 in those events?

18 A. I was left with that impression,
19 yes.

20 Q. Now, I take it that if he had
21 suggested or indicated to you that he was interested
22 in anything else you would have answered his questions
23 and cooperated with him.

24 A. Yes, I would have.

25 Q. During the course of the interview
did Sergeant Sangster ever indicate to you that as a



12 1
2 police officer he is interested in the suspicions that
3 a person might have about other people, and that he
4 would be interested in getting from you any
5 suspicions you had about anyone in the hospital?

6 A. I don't think so.

7 Q. That wasn't an impression that
8 was conveyed to you during that meeting?

9 A. No, I don't think so.

10 Q. Now, from what Mr. Percival has
11 told us, and I believe it also coincides with your
12 recollection, the interview that Friday morning took
13 place between 8 and 9:30 a.m.

14 A. Yes.

15 Q. And we know that later that day
16 Miss Nelles was charged with three further counts of
17 murder in connection with the Babies Pacsai, Miller
18 and Estrella. Now you told us you were on duty the
19 night Pacsai had difficulty, and the night that
20 Miller and Estrella died, is that correct?

21 A. That's correct.

22 Q. And when Mr. Lamek asked you about
23 your recollection of Pacsai, you described the arrests
24 of Manojlovich, the presence of nurses; and then what you
25 recalled after that about Pacsai. I take it
Sergeant Sangster didn't ask you any of those questions



1

2

during that Friday interview?

3

A. No, he didn't.

4

Q. And he didn't ask you any questions
about your involvement with Miller?

5

A. No.

6

Q. Nor Estrella.

7

A. No.

8

9

10

11

Q. And you don't know how Sergeant
Sangster knew that you were on duty the night that
Justin Cook died, but obviously he knew somehow that
you were on duty.

12

A. He must have checked somewhere.

13

14

Q. And so I think it would be a safe
assumption he could equally have known that you would
have been on duty --

15

16

17

MR. PERCIVAL: Mr. Commissioner, is
that a statement of counsel or something he wishes to
introduce?

18

19

THE COMMISSIONER: It sounds like
argument to me.

20

21

Q. Well, I simply put it to you, Mrs.
Johnstone, that you were interviewed early Friday
morning.

22

A. That's right.

23

24

25

Q. Before Susan Nelles was charged with



14 1 the deaths of Pacsai, Miller and Estrella.

2 A. That's right.

3 Q. And during the course of that
4 interview you were not asked any questions, nor was
5 any information solicited from you about your involve-
6 ment with the children Pacsai, Miller or Estrella.

7 A. No.

8 Q. At any time prior to the preliminary
9 inquiry were you asked by any representative of the
10 Metropolitan Toronto Police, or by any Crown attorney,
11 about your involvement with Baby Pacsai or with Baby
12 Estrella?

13 A. No.

14 Q. You gave no statement to the police
15 on either of those two babies?

16 A. Not that I can recall, no.

17 Q. I take it the reason you didn't
18 give the statement is that you were not asked.

19 A. That's right.

20 Q. You were however asked at some
21 subsequent time about the death of Baby Miller.

22 A. Yes.

23 Q. Okay, we will turn to that, but
24 before we do, just tying up this meeting on Friday
25 morning; at the end of the meeting did Sergeant



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Sangster ask you to go back and review any documents and files that you might have in respect of Justin Cook?

A. No.

Q. You gave a second statement to the police and I believe that was on April 29th, 1981?

A. That's right.

Q. Do you have that statement in front of you?

A. Yes, I do.

Q. Do you know what time of day that interview took place?

A. I have to look again, it was in the early morning.

Q. How was the interview arranged?

A. I can't remember.

Q. And the interview took place in the hospital?

A. Yes.

Q. Can you recall the police officer who interviewed you?

A. According to this statement it was his name was Holcoup.

Q. Do you recall any other police



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officer being present when you were interviewed?

3

A. No, I don't.

4

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Q. Before you went to the meeting,
were you asked by either the police --

THE COMMISSIONER: How do you spell
that name?

THE WITNESS: H-a-l-c-o-o-p.

MR. LAMEK: No, it is H-u-l-c-o-o-p.

MR. BROWN: Q. Before you went
to that interview with Officer HulcoQp, were you
asked either by the police or anyone at the Hospital
to bring with you any documents to that interview?

A. No. I don't recall.

Q. And I take it you didn't
bring any documents, be they official records or
personal notes?

A. No.

Q. Now, when you arrived at that
meeting what did Officer Hulcoop inform you would
be the purpose of the meeting?

A. I didn't recall having this
meeting until I got a copy of these statements but
according to this it was in relation to Allana Miller.

Q. Since your recollection then
is rather tied to this statement I take it your
recollection is that the matters discussed at that
meeting were simply the events surrounding the death



1

2

of Allana Miller?

3

A. Yes.

4

Q. Do you recall how the meeting

5

was conducted? Were you asked very specific questions

6

or were you asked a general question and then you

7

proceeded to give a narration?

8

A. I am not sure how it was stated,

9

whether he asked me to go through the whole night or

10

if I could just remember certain events leading up

to Allana Miller's arrest.

11

Q. Okay. And during the course

12

of that interview, were any of the medical records

13

made available to you?

14

A. No.

15

Q. Was the tour end sheet made

16

available to you?

17

A. No.

18

Q. Or the assignment books made

available to you?

19

A. No.

20

Q. Were the WIN sheets made

21

available to you?

22

A. No.

23

Q. So, I take it no documentation

was made available for your reference?

24

25



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3

A. No.

4

Q. Again, you were asked to
recall the events off the top of your head?

5

A. Yes.

6

7

8

9

Q. During the course of that
interview, did officer Hulcoop indicate to you that
he was interested in anything other than the events
surrounding the death of Allana Miller?

10

A. No.

11

12

Q. Do you recall at that time
whether he asked you about the high number of deaths
during the last half of 1980?

13

A. I can't recall.

14

15

Q. It doesn't appear on the state-
ment though, does it?

16

A. No, it doesn't.

17

18

Q. And do you recall whether he
asked you about the coincidence between those deaths
and the presence of a particular nursing team?

19

A. No. I don't recall.

20

21

Q. And again if it was discussed
it doesn't appear on the statement.

22

A. That's right.

23

24

25

Q. And do you recall whether he
asked you about the conduct of any person other than



1
2 Susan Nelles?

3 A. I can't recall because I don't
4 recall having this interview.

5 Q. Okay, and it doesn't appear
6 in the statement.

7 A. No.

8 Q. So, we take it that it may not
9 have been discussed?

10 A. It may not.

11 THE COMMISSIONER: You don't remember
12 the whole interview, is that right?

13 THE WITNESS: No, I didn't even
14 realize that I had met with this officer until I was
15 given a copy of the statement.

16 THE COMMISSIONER: I think that will
17 save us any more questions on that one.

18 MR. BROWN: Q. Prior to the
19 discharge of Miss Nelles on May 21, 1982, could you
20 tell me what further meetings that you had with
21 a representative from the Metropolitan Toronto Police?

22 A. I met with them twice in
23 October.

24 Q. I'm sorry, I'm speaking prior
25 to May of 1982.

A. I don't recall.



1

2

3

4

Q. Well, was it the only contact that you had at the courthouse prior to your testimony?

5

A. That's right.

6

7

Q. And you related that to us yesterday, you believe you met with a Constable Murray, was it?

8

9

A. That's right.

10

Q. And he offered your statements to you for your review?

11

A. Yes.

12

13

Q. And he asked you whether you thought Susan Nelles was guilty and I believe you said you couldn't believe that she did it.

14

15

A. That's right.

16

Q. And you then said that he said something to you. What exactly did he say to you?

17

18

A. Something to the effect that she was guilty and they were going to prove it.

19

20

Q. And when he said that to you did you make any comment?

21

22

23

24

25

A. I don't know whether I said something in response or whether I just shrugged my shoulders and said I don't believe it and left it at that.



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Q. And then from there you went upstairs and a short time later you began your testimony.

A. He also told me if she wasn't found guilty there would probably be a Royal Commission and that would be a lot harder on everyone than the inquiry itself.

Q. He told you that that day prior to your testimony?

A. Yes.

Q. Did you make any response to that?

THE COMMISSIONER: That's the most prescient police constable in the history of the world I tell you. I think he needs a promotion.

MR. PERCIVAL: Mr. Commissioner, I thought he might go into sort of stockmarket counselling.

THE COMMISSIONER: Yes.

MR. BROWN: Q. Prior to the time you testified at the preliminary inquiry on February 4th, 1982, did you ever meet with a Crown Attorney?

A. No, the first time I met a Crown Attorney was when Mr. McGee was questioning me at the inquiry.



1

2

3

Q. So, prior to taking the witness stand you had not met a Crown Attorney?

4

A. No.

5

6

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9

Q. Now, finally, between March 25th, 1981 which is the date Miss Nelles was arrested, and the time of her discharge in May of 1982 were you ever advised by representatives of the police that they thought there was some conspiracy of silence amongst the nurses at the Hospital?

10

A. I don't recall that, no.

11

12

13

14

Q. Were you ever advised by anyone during that time period that the police thought there was a conspiracy of silence amongst the nurses at the Hospital for Sick Children?

15

A. I can't recall.

16

MR. BROWN: Thank you, Miss Johnstone, those are all the questions I have.

17

THE COMMISSIONER: Yes, thank you.

18

Miss Forster?

19

CROSS-EXAMINATION BY MS. FORSTER:

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25

Q. Miss Johnstone, my name is Elizabeth Forster and I act on behalf of Phyllis Trayner. You indicated I believe that you started the position as night supervisor in the November, 1979?



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2

A. Late October.

3

Q. 1979?

4

A. Yes.

5

Q. And were you generally
responsible for Ward 5A when it was the cardiology
ward?

6

7

A. Yes.

8

Q. And I take it then that you
knew Phyllis Trayner prior to the move to the 4th
floor?

10

11

A. Yes.

12

13

Q. And she was not a team leader
on the 5th floor, was she?

14

A. Not that I can recall, no.

15

16

17

Q. And you also indicated that
prior to June, 1980, you thought that the average
number of arrests that you saw was about one per
month.

18

19

A. Yes, but I think that is a bit
high.

20

21

Q. Are you able to give a more
accurate estimate?

22

23

A. No, I have been thinking about
it and I can't.

24

25

Q. All right. Now, when you



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give that average of one per month or a little lower
are you talking about arrests that happened during
your shift or just arrests that you were aware of
taking place?

6

A. I can only talk about my shift.

7

Q. All right. So, these would be
arrests that took place while you were on duty?

8

A. Yes.

9

10

Q. Are you talking about arrests
solely on the cardiology ward?

11

A. Yes.

12

13

Q. And do you know how many arrests
Phyllis Trayner would have been exposed to prior to
June, 1980?

14

15

A. I think I can only recall one
arrest that happened during the night and it was
when she first started taking charge responsibilities
on 5A and I can't recall the child's name but he was
an older boy with a pacemaker.

16

17

18

19

Q. But there is only one that you
can recall?

20

21

A. Yes.

22

23

Q. All right. So, it is fair to
say then that the number of arrests she was exposed
to was considerably less than those she was exposed to

24

25



1
2
3 when she was team leader?

4 A. I can only speak for when I was
5 on duty.

6 Q. Right. During the times you
7 were on duty is it fair to say she was exposed to
8 an awful lot fewer cardiac arrests than she was
9 during this nine month period on 4A?

10 A. Yes.

11 Q. All right. And as a team
12 leader was she responsible for organizing the members
13 of her team during an arrest?

14 A. She is responsible for getting
15 the arrest procedures started, yes.

16 Q. And ensuring that the members
17 of her team do what is appropriate?

18 A. Yes.

19 Q. And would you agree with me,
20 Miss Johnstone, that even though nurses perhaps have
21 more exposure to deaths than the average citizen,
22 it is still a very distressing experience for nurses?

23 A. Yes, it is.

24 Q. Would you also agree with me
25 that different nurses react in different ways to
deaths?

A. Yes.



1

2

3

Q. And in that respect they are
no different from any other citizen, are they?

4

A. I don't think so.

5

6

Q. All right. You also mentioned
that the nursing office was on the 4th floor.

7

A. Yes.

8

9

Q. And that you often went to
Wards 4A/4B for coffee.

10

A. Periodically, yes.

11

12

Q. Was that also the practice of
the other night supervisors?

13

A. I don't know what they did.

14

Q. And was the nursing office on
the 4th floor sort of your home base?

15

A. Yes.

16

Q. During the evenings?

17

A. Yes.

18

Q. So, you would frequently go
back and forth from your office on the 4th floor?

19

A. Yes.

20

21

Q. And was that the same for the
other night supervisors on duty?

22

A. Yes.

23

24

25

Q. Now, I want to run through with
you again exactly what your duties are on



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2

the night shift. I believe you said that you
started duty at 11:15 in the evening.

3

4

A. That's right.

5

6

Q. And the first thing you do is
take report from the evening supervisor.

7

A. Yes.

8

Q. Generally how long would that
take?

9

10

A. Depending on when people got
back to the office, anywhere from 15 minutes to a
half an hour.

11

12

Q. All right. And the next thing
you do is check the staff and review the tour end
reports.

13

14

A. Yes.

15

16

Q. And how long would that
generally take?

17

18

A. Three-quarters of an hour to
an hour.

19

20

Q. And it was after that that you
would start the rounds?

21

A. Yes.

22

23

Q. And you indicated that it
was your practice to start your rounds on the
cardiology wards.

24

25



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A. Yes, it was.

3

Q. All right. And did you as a

4

matter of practice start on one particular ward,

5

either 4A or 4B?

6

A. Do you mean whether 4A or 4B

7

first?

8

Q. Yes.

9

A. No, it was just whoever was

10

available first.

11

Q. All right. I would like to

12

take you back to the night of Justin Cook's death.

13

You indicated that the first time you were on the
ward was when you did your rounds.

14

A. Yes.

15

Q. All right. And you said that

16

was around 12:30?

17

A. Yes.

18

Q. Is there any procedure you

19

have in which you make a notation of when you are
on a particular ward?

20

A. No.

21

Q. All right. So, 12:30 then is

22

a guess, a rough estimate of when you were there?

23

A. Yes.

24

Q. Could have been a bit earlier,

25



1
2
3 could have been a bit later?

4 A. It was probably later.

5 Q. Why do you say that?

6 A. Why do I say that? Just, I
7 don't know, all I'm saying is I don't think I leave
8 the office, I left the office very often before 12:30.

9 Q. But you are not able to help
10 me by actually pinpointing the time you would have
11 arrived on that ward?

12 A. If you are asking me an exact
13 time, no. I can only tell you between 12:30 and
14 1:00.

15 Q. All right. And do you recall
16 that night whether you did the rounds on 4A or 4B
17 first?

18 A. I did them on 4A first.

19 Q. And you did them with Phyllis
20 Trayner?

21 A. That's right.

22 Q. And was she with you throughout
23 your rounds?

24 A. Yes.

25 Q. And do you recall how long
the rounds took that night in 4A?

A. I think around 20 minutes to



1

2

F15

3

a half an hour because we did stop and talk at
Justin Cook's bed.

4

5

6

Q. All right. Again, do you have
a distinct recollection of how long you took that
night or is that your best guess?

7

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A. It is my estimate.

Q. Okay. And was it on this
particular occasion that you saw the oral digoxin
in the medication room on 4A?

A. That's right.

Q. Can you tell me exactly what
you saw?

A. I saw the bottle of the exilir
sitting on the counter in the medication room.



EMT.jc

G

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2

Q. Just one bottle?

3

A. Yes.

4

Q. Did you see any other digoxin
in the medication room?

5

A. No.

6

7

Q. What did you do when you saw
the elixir there?

8

9

10

11

12

A. I asked Phyllis why it wasn't
locked up, that I was told that she had been instructed
to lock it up, and I asked her why she hadn't, and
she said that she didn't have the keys. Susan had
the keys.

13

14

Q. And I understand that the nurse
that had the keys generally carries them on a string
around her neck?

15

16

A. Yes, or in her pocket.

17

18

Q. All right. And did you see that
Phyllis had the keys at the time you had this
conversation?

19

A. No.

20

21

Q. Did the two of you say anything
else with respect to this digoxin?

22

23

24

25

A. I asked her if she would lock
it up when we finished rounds and we picked up the
keys from Susan when we went into Room 418.



G.2

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2

3

Q. You were present when Phyllis
picked up the keys from Susan?

4

A. Yes.

5

Q. Was this at the end of the 4A
rounds or --

6

A. At the beginning.

7

Q. At the beginning?

8

Then you started the rounds in Room 418?

9

A. Yes.

10

Q. And Susan was in there with
Justin Cook?

11

A. That is right.

12

13

Q. And I take it that you and
Phyllis went into Room 418 and spoke to Susan?

14

A. Yes, we did.

15

16

Q. Can you tell me what was said
during that conversation?

17

18

19

20

A. I just asked Susan how Justin
had been doing, and she told me that he had been
fairly stable; that he hadn't had any more blue spells
since the one he had had at six in the evening, and
that he was resting comfortably.

21

22

Q. Was there anything said about
the keys?

23

24

25

A. Phyllis just reached over and



G.3

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2

got the keys from her, from what I can recall.

3

4

Q And where did Susan have the
keys?

5

6

A I don't know whether she had
them in her pocket or around her neck. I can't tell
you.

7

8

9

Q All right. Do you recall
Mrs. Trayner saying anything to Susan as she took the
keys?

10

A No.

11

12

Q Do you recall Miss Nelles
saying anything to Mrs. Trayner about the keys?

13

A No.

14

Q After you got the keys did you
complete the rounds?

15

A Yes, we did.

16

17

18

Q All right. And it wasn't during
the rounds then that Mrs. Trayner went back to lock
up the digoxin?

19

A No, it was when we finished.

20

21

Q And I believe you indicated you
personally didn't see her lock up the oral digoxin?

22

A No, I didn't.

23

24

25

Q All right.

After you completed the rounds on 4A



G.4

1

2

you did the rounds on 4B?

3

A. That is right.

4

5

Q. And that would have been twenty minutes to a half hour after you arrived on the cardiology ward?

6

7

A. Yes.

8

Q. And who accompanied you on those rounds?

9

A. Mrs. Bell.

10

11

Q. Do you know where Mrs. Trayner was while you were doing the 4B rounds?

12

A. No.

13

14

Q. Did you see her again on that occasion while you were on the ward?

15

A. I don't recall seeing her again, no.

16

17

Q. You indicated that you were next on the ward at approximately 3 a.m.?

18

A. Yes.

19

20

Q. And again that is an estimate of the time?

21

A. Yes.

22

23

Q. You mentioned that you went to the nursing station and had coffee with several nurses including Susan Nelles?

24

25



G.5

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2

A. Yes.

3

4

Q. How long were you there with
Susan Nelles before she went back to Justin Cook's
room?

5

6

A. Five or ten minutes, not very long.

7

THE COMMISSIONER: I am sorry, before
what?

8

9

MS. FORSTER: I asked her how long
she was present at the nursing station with Susan Nelles
before Susan returned to Justin Cook's room.

10

11

THE COMMISSIONER: Yes.

12

13

MS. FORSTER: Q. I take it it was
seconds after Susan left that Phyllis reappeared
at the nursing station?

14

15

A. Yes.

16

17

Q. And do you recall --

MR. OLAH: I am sorry, I didn't hear
that answer.

18

19

THE WITNESS: I said yes.

20

MS. FORSTER: Q. Do you recall how
long you were at the nursing station with Mrs. Trayner
before Susan called out for assistance?

21

22

A. I think 10 or 15 minutes.

23

Q. You indicated that both you and
Mrs. Trayner proceeded to Justin Cook's room?

24

25



G.6

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2

A. That is right.

3

4

Q. And you remained in the room throughout the resuscitation efforts?

5

6

7

A. I left the room to call Dr. Kantak to come and see the child, and I left the room again when I was asked to call ICU, the Fellow, and I put in a call for the 25 also.

8

9

10

Q. And when you went out to call Dr. Kantak, how long would you have been out of the room?

11

A. Not very long.

12

Q. A few minutes?

13

A. A minute or two.

14

Q. Pardon me?

15

A. A minute or two.

16

Q. All right. And when you left to call ICU how long would you be gone?

17

18

19

20

A. A couple of minutes - yes, it was only a couple of minutes. I was put on hold while they went to get the doctor from ICU, and when he came to the phone I went back and got Dr. Jedeikin to talk with him.

21

22

Q. You also indicated that you were the one that called the 25?

23

24

25

A. Yes.



G.7

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Q. And did you leave the room to
do that?

A. I had to; the phone was at the
desk.

Q. How long were you gone that time?

A. Long enough to put in the call,
and I went back into the room.

Q. Did you remain in the room until
the child was pronounced dead?

A. No, I didn't.

Q. Do you recall when you left the
room?

A. I can't give you an exact time.
I did talk with Miss Coulson and tell her that I had
to go back to the nursing office to do the staffing,
and would she stay and be in charge.

Q. Do you recall at what stage the
resuscitation efforts were at when you left?

A. They had been going on for a
while.

Q. Do you recall how long?

A. I think 10 or 15 minutes, but
that is just a guess.

Q. You indicated that you didn't
return to the ward again until around 6:30 in the



G.8

1

2

morning when you came up to check with the nurses;

3

is that correct?

4

A. That is right.

5

Q. With respect to the arrest of

6

Allana Miller your evidence was that you were not

7

on Wards 4A/4B that evening at all until after the

8

Code 25 was called?

9

A. That is right.

10

Q. When you arrived on the ward

11

both Miss Nelles and Mrs. Trayner were present in

12

the baby's room?

13

A. Yes.

14

Q. As was the arrest team?

15

A. Yes.

16

Q. Were the resuscitation efforts

17

under way?

18

A. Yes.

19

Q. Do you recall how long after you

20

heard the call 25 it was before you arrived in the

21

baby's room?

22

A. It would only be a couple of

23

minutes.

24

Q. Did you remain in the room until

25

the child was pronounced dead?

A. I can't be sure.



G.9

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Q I also want to take you to the evening of the Manojlovich arrest and the Pacsai difficulties. Again you indicated that the first time you were on the ward was when you did the rounds?

A That is right.

Q That would again be roughly 12:30 in the morning?

A Yes.

Q Do you recall which ward you toured first that evening?

A I think it was 4A.

Q And did Mrs. Trayner accompany you?

A Yes.

Q Did she remain with you throughout the rounds?

A Yes.

Q Do you recall how long the rounds were that evening on that ward?

A Probably about 20 minutes.

Q You then did the rounds on 4B?

A Yes.

Q And who was with you then?

A Mary Jane Halpenny.

Q How long did the rounds take on 4B?



G.10

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2

A. Twenty minutes to half an hour.

3

Q. Do you know where Mrs. Trayner
was during that time?

4

5

A. No.

6

Q. After you completed the rounds
did you leave those two wards?

7

A. Yes, I did.

8

Q. All right. And you indicated
you were not on the ward again until the Code 25 was
called for Michelle Manojlovich?

10

11

A. That is right.

12

Q. And again did you go to the
baby's room as soon as you heard the 25 being called?

13

14

A. I went to the ward and asked
who it was because I didn't know who the call had
been put in on.

15

16

Q. But as soon as you heard the
code being called over the PA system did you proceed
directly to the 4th floor?

18

19

A. Yes.

20

Q. And was Mrs. Trayner in the room?

21

A. Yes.

22

Q. Did you remain throughout the
resuscitation efforts on that child?

22

23

A. I think for most of it, yes.

24

25



G.11

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2

3

Q. Were you there when she was pronounced dead?

4

A. I don't know.

5

Q. Do you have any recollection of how long you were in the child's room?

6

A. I think a half an hour.

7

8

Q. Was Mrs. Trayner in the room with you throughout the time you were there?

9

A. Yes, I believe so.

10

11

Q. Do you recall her leaving at any time?

12

A. No.

13

14

Q. You mentioned the next time you were on the ward that shift was when you came back to calm Michelle Manojlovich's mother?

15

A. Yes.

16

17

Q. Do you recall when that was?

18

A. I think it was after 4. Around 4:30 maybe.

19

Q. 4 to 4:30?

20

A. Yes.

21

Q. All right. And how long did you spend on the ward that time?

22

A. I think around a half an hour.

23

24

Q. And was that the same occasion

25



G.12

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2

in which Dr. Costigan was called because of Pacsai's
difficulties?

3

4

A. Yes.

5

Q. And were you still present
when Dr. Costigan arrived?

6

7

A. Yes, I was.

8

THE COMMISSIONER: I am sorry, I
thought - yes, I am sorry. You went to the ICU later?

9

THE WITNESS: Yes.

10

THE COMMISSIONER: To see Dr. Costigan?

11

THE WITNESS: Yes.

12

THE COMMISSIONER: But that was after
the child had been moved?

13

THE WITNESS: Yes.

14

MS. FORSTER: Q. Were you present
throughout the entire time Dr. Costigan was with the
baby?

15

16

A. I can't say for sure.

17

Q. Do you recall what was going on
when you left the ward?

18

19

A. What do you mean? Whether
someone was --

20

21

Q. Well, if you can't remember the
specific time do you recall that there was a particular
event going on at the time that you left?

22

23

24

25



G.13

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25

A. Just that Dr. Costigan had come
to see the baby.

Q. And you are not able to help
me with whether he was still there when you left or
whether he had already gone?

A. No, I can't.

Q. When you were on the ward on
that occasion did you see Mrs. Trayner at all?

A. I can't remember whether she
came over to that room or not.

THE COMMISSIONER: Do you want to
break now?

MS. FORSTER: I am going to be some
time, sir.

THE COMMISSIONER: Yes. This is as
good a place as any. We will take 20 minutes then.

--- Short recess.

-



1
2 ---Upon resuming.

3 THE COMMISSIONER: Yes, Ms. Forster.

4 Q. Mrs. Johnstone I would next like
5 to take you to the death of Baby Warner, and I
6 understand you were on duty the evening of her
7 arrest, the night of her arrest.

8 THE COMMISSIONER: Before we go any
9 further, I think the statements are ready to be
10 entered.

11 MS. KITELY: They have been handed
12 out.

13 THE COMMISSIONER: Have they, well
14 all right, were they made exhibits, I think that is what
15 we intended to do, was it not?

16 MS. KITELY: That's right.

17 THE COMMISSIONER: Yes, all right.
18 They were your documents, I think, Ms. Kitley, how
19 do you want them --

20 MS. KITELY: They were actually police
21 documents, sir.

22 THE COMMISSIONER: Oh, all right.

23 MS. KITELY: I don't care how they are
24 identified, March 27th is the first and April 29th is
25 the second.

THE COMMISSIONER: Then all right, we

H

DM/PS



will make March 27th, what is the next exhibit number, Exhibit 358; and the April 29th, 1981 will be Exhibit 359.

---EXHIBIT NO. 358: Statement of Lynn Johnstone,
March 27th, 1981, 7:55 a.m.

---EXHIBIT NO. 359: Statement of Lynn Johnstone,
Wednesday, April 29th, 1981,
8:40 a.m. - 9:20 a.m.

THE COMMISSIONER: Are you referring to Warner?

MS. FORSTER: Yes, sir.

Q. Mrs. Johnstone, I understand you were on duty the night of March 7th, 1981, when that child arrested.

A. Yes.

Q. And you were the supervisor on Wards 4A and 4B?

A. Yes.

Q. Do you recall when you first went to the wards that evening?

A. Again, it would be around 12:30.

Q. To do your rounds?

A. Yes.

Q. Now which ward did you do your rounds on first?



Johnstone
cr. ex. (Forster)

1

2

A. I don't know.

3

4

Q. Do you know who was present with
you when you did the rounds on Ward 4A?

5

A. No, I don't.

6

7

Q. Do you recall how long you were
on the ward?

8

A. No.

9

10

Q. Do you recall whether you were back
on the wards at any time during the shift that
evening?

11

A. I can't say for sure, no.

12

13

Q. Do you know whether or not you
were present when that child arrested?

14

15

A. Do you mean present on the ward
when the child arrested, or came to the ward after
the code?

16

Q. Either.

17

18

19

A. I don't recall being on the ward
when the child arrested, but I would have probably
gone there when the Code 25 was put in.

20

Q. Do you have any recollection of
being there after the Code 25 was put in?

21

22

A. I don't remember the arrest, no.

23

24

25

Q. Do you recall anything about the
child?



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4

2

A. No.

3

Q. Do you recall seeing Mrs. Trayner
on the ward that evening?

4

A. I can't say for sure.

5

6

Q. Next on Exhibit 350, which is
the list of the deaths for which you were present is
Baby Thomas. Again you were on duty the night that
Baby Thomas arrested?

7

8

9

A. Yes.

10

Q. And you were responsible for
Wards 4A and B?

11

12

A. Yes.

13

Q. And do you recall being on those
wards at all that evening?

14

15

A. I don't recall the baby at all,
or the arrest.

16

17

Q. Is it fair to assume that you
would have done rounds on the ward?

18

A. At 12:30?

19

Q. At about 12:30.

20

A. Yes.

21

Q. Do you recall who you did your
rounds with?

22

A. No.

23

Q. Do you recall anything at all about

24

25



1
2 that child and the arrest?

3 A. No, I don't.

4 Q. The next one is Baby Florin,
5 and you were on duty the evening that child arrested.

6 A. I don't think it was a baby, I
7 think it was a child.

8 Q. That is an older child?

9 THE COMMISSIONER: Was he 19, was he?

10 THE WITNESS: The older boy, yes.

11 Q. And you were on duty the night
12 that child arrested?

13 A. Yes.

14 Q. And were you supervisor for
15 Wards 4A and B?

16 A. I would have been, yes.

17 Q. Do you recall anything about that
18 evening?

19 A. No.

20 Q. Do you recall when you were present
21 or when you were absent from the ward?

22 A. No.

23 Q. Do you recall anything about the
24 child's arrest?

25 A. No.

Q. And the next one was Baby Estrella,



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and you indicated I believe that the first time you were on Wards 4A/4B that evening was when you did your rounds?

A. Yes, around 12:30.

Q. And do you recall that evening whether you did your rounds on 4A or 4B first?

A. I think I did them on 4A first.

Q. Do you recall who you did them with?

A. Phyllis.

Q. Do you recall how long your rounds took?

A. 20 minutes.

Q. Is that a --

A. A guess.

Q. A guess?

A. Yes.

Q. And who did the rounds on 4B with you, do you remember?

A. I can't remember.

Q. Do you remember Phyllis Trayner was present with you when you did the rounds on 4B?

A. Yes.

Q. She was present?

A. Yes.

Q. For both the rounds on 4A and 4B?



1

2

A. I am sorry, I thought you said

3

4A.

4

Q. No, 4B.

5

A. No.

6

Q. She was not present or you don't remember.

7

8

A. I don't remember who I made the rounds with.

9

10

Q. Do you recall when you were next on the ward that evening?

11

12

A. I went to the ward when the Code 25 was put in.

13

14

Q. Do you recall if you were on the ward at all between the time you did your rounds and the time of the Code 25?

15

16

A. I can't remember.

17

18

Q. You can't recall?

19

20

21

22

A. I don't remember this arrest. I don't even remember being there, but I was because the nurses insisted I was working, so I checked and I was working.

23

24

25

Q. But other than doing your rounds



1

2

that evening, I take it you have no recollection of
anything that occurred that evening, is that correct?

3

4

A. You mean elsewhere in the hospital,
or just on 4A?

5

6

Q. On 4A, 4B.

7

A. No, I don't remember.

8

9

Q. And the next one you would seem
to have been there for was Baby Gosselin, and you
were on duty the night that child arrested.

10

A. Yes.

11

12

Q. And you were responsible for
Wards 4A, 4B?

13

A. Yes.

14

Q. And again do you recall being
on Wards 4A, 4B that evening?

15

A. No.

16

17

Q. Is it fair to assume you would have
been there to do your rounds?

18

A. Yes.

19

Q. And you don't recall doing them?

20

A. I don't recall the rounds, no.

21

Q. Do you recall anything at all
about that evening on 4A/4B?

22

A. No.

23

24

Q. And Baby MacDonald again you were

25



1

2

on duty and you were responsible for 4A and 4B?

3

A. Right.

4

Q. Do you have any recollection of anything that occurred that evening?

5

6

A. I don't have any recollection of this arrest. I would have made my rounds early in the night, I don't remember this child or the arrest.

7

8

Q. It is fair to assume that the Code 25 was called and you would have attended?

9

10

A. I would have responded to it, yes.

11

12

Q. Baby Onofre, again you were on duty the evening that child arrested and you were supervisor for 4A/4B?

13

14

A. Yes.

15

16

Q. And do you have any recollection of any of your attendances on the ward that evening?

17

A. No.

18

19

Q. And what about Baby Lutes, do you have any recollection of being present on the ward the evening that child arrested?

20

21

A. No, I don't.

22

23

Q. And Baby Gage, do you have any recollection of being on the ward the night that child arrested?

24

25



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A. Other than making my first rounds,
I don't remember this child or the arrest.

Q. You do recall making rounds the
evening that child arrested?

A. Yes.

Q. And again would it have been
at approximately 12:30?

A. Yes.

Q. Do you recall which wards you did
the rounds on first?

A. No.

Q. When you did your rounds on Ward
4A, do you recall who you did them with?

A. I am not sure. I would have to
see the WIN sheets to see who was there.

THE COMMISSIONER: If it is just to
be taken from the WIN sheets, couldn't we do that
ourselves?

Q. Do you have any recollection at
all of anything that occurred when you did your
rounds that evening, do you have any recollection of
this child's arrest?

A. No.

Q. Do you have any recollection of
any other attendances you made on the ward that



1
2 evening?

3 A. I can't remember, no.

4 Q. And Baby Monteith, do you recall
5 being on Wards 4A or 4B the evening that child arrested?

6 A. All I can say is I was probably
7 there early in the night doing my rounds because I
8 was working, but I don't recall this arrest either.

9 Q. And I take it you don't recall
10 anything else about being on the ward that evening?

11 A. No.

12 Q. And Baby Dawson, again do you
13 recall being on the wards the night that child arrested?

14 A. I can't remember the arrest. I
15 remember the child, but I can't remember the arrest.

16 Q. Do you remember doing your rounds
17 on that ward that evening?

18 A. No.

19 Q. And lastly, Baby Woodcock, I
20 gather again you were on duty that evening and you
21 were responsible for Wards 4A and 4B?

22 A. Yes, I was.

23 Q. Do you recall any attendances made
24 on the ward that evening?

25 A. I can remember making my first rounds
there and I was back twice after that to see the child.



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Q. And again you would have done your rounds at approximately 12:30?

A. Yes.

Q. Do you recall which ward you did your rounds on first?

A. No.

Q. Do you recall who you did your rounds with on Ward 4A?

A. I think it was Phyllis, but I couldn't say for sure.

Q. And how long were you present on the 4th floor doing your rounds that evening?

A. To combine both sides?

Q. Yes.

A. Probably around three-quarters of an hour.

Q. And were you next on the ward that evening?

A. I went back later during the night to see how this baby was, on my way back to the nursing office to give my staffing needs in.

Q. Do you know what time that was?

A. Probably some time around 4 or 4:30.

Q. When you went back that time where



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did you go?

A. I just went into 4B, into 431 to have a look at the child.

Q. Who was present when you went into the room that time?

A. I can't remember whether there was a nurse in the room or not.

Q. Do you recall how long you were on the ward on that occasion?

A. Just for a few minutes, five minutes, just to check the child and ask if there were any concerns about any of the other children on that ward.

Q. Do you recall seeing Phyllis Trayner on that occasion?

A. No, I can't say that I did.

Q. When were you next on the ward?

A. I think it was probably around 6:30 I went back to the ward because the nurses had called me and said the baby was in more distress, so I went over to see the child.

Q. Do you recall which nurse called you?

A. No, I can't.

Q. Was that call placed to the nursing



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office?

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A. Yes.

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Q. And after you received the call

5

where did you go?

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A. I went down to the ward to see the
child.

7

Q. And who was present in the room

8

when you arrived?

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A. I think Mrs. Bell was there and

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the child's nurse, but I don't remember the nurse that
was looking after the child.

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Q. How long did you stay on that occasion?

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A. For about 10 minutes.

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Q. What took place while you were in the child's room?

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A. I went in and I had a look at the child and I asked the nurses if they had put a call in for the doctor that was on call and they said they had. So, I waited until he came and then after he was there I left.

11

12

Q. Do you recall what doctor it was that came?

13

A. No, I'm sorry.

14

15

Q. All right. Did you see Mrs. Trayner at all on that occasion?

16

A. I can't recall.

17

Q. And did you go back to the ward at all during your shift that night?

18

A. No.

19

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MS. FORSTER: Thank you, those are all my questions.

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THE COMMISSIONER: Yes, thank you. Miss Cecchetto?

23

CROSS-EXAMINATION BY MS. CECCHETTO:

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Q. Miss Johnstone, my name is



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Lucy Cecchetto and I represent the Attorney General
and the Coroner's Office.

3

4

Now, yesterday and again today you
went over your evidence about arriving on the ward
on the night of Cook's death.

5

6

A. Yes.

7

8

Q. And you indicated you arrived
at work at approximately 11 o'clock.

9

A. 11:15, yes.

10

11

Q. 11:00, 11:15. You had a
conversation with Mrs. Ross about locking up the
digoxin.

12

13

A. Yes.

14

Q. And about the other events.

15

A. Yes.

16

Q. And you indicated to

17

Miss Forster and you indicated yesterday that you
began your rounds on 4A.

18

19

A. Yes.

20

Q. You arrived at approximately

21

12:30.

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A. Yes.

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Q. And you spoke to Phyllis

24

Trayner.

25

A. Yes.

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Q. And you indicated that beginning your rounds with Phyllis Trayner and you indicated again this morning that you noticed the digoxin elixir that was in the medication room?

A. Yes.

Q. And you were very distressed by the fact that it hadn't been locked up.

A. Yes.

Q. And you asked Mrs. Trayner to provide you with an explanation as to why it hadn't been.

A. Yes.

Q. And she provided you with one, and you weren't satisfied with it?

A. That's right.

Q. And you were so upset and distressed at that circumstance that you insisted that the key to the digoxin, the key to the medication cupboard be retrieved from Susan Nelles and that Mrs. Trayner lock it up on the return of her rounds?

A. Yes.

Q. And you told Miss Forster this morning that you accompanied Mrs. Trayner into the room where Justin Cook was?

A. Yes.



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Q. And you observed Mrs. Trayner remove the keys which were on a string from Miss Nelles' neck?

A. I did not say she removed them from a string, I said she obtained the keys.

Q. She removed a string of keys. Well, you observed her take the keys to the medication cupboard?

A. Yes.

THE COMMISSIONER: I'm sorry, I didn't think she said that.

MR. LAMEK: No, that wasn't the evidence I heard.

THE COMMISSIONER: She said she saw her take the keys from Miss Nelles, I think she said, and correct me if I'm wrong, that you did not see her take them to the medication room, or did you?

THE WITNESS: No.

MS. CECCHETTO: Q. No, I am not suggesting you saw her lock it up, what I am suggesting is you saw Phyllis Trayner remove the string of keys including the medication cupboard key from Miss Nelles.

A. I said she obtained the keys from Miss Nelles.

Q. Okay. And you also told us



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I.5

that you then continued on the rounds and you didn't actually see Mrs. Trayner lock up the medication cupboard?

A. No, we finished the rounds and I was walking over towards 4B with her up the hallway and she stopped at the medication room and I assumed that she locked the digoxin.

Q. And the reason you assume that I suggest was because you have made it very clear that it should be locked up and that you were concerned that it hadn't been locked up?

A. That's right.

Q. Now, I would like to refer you to the evidence of Phyllis Trayner at the preliminary inquiry with respect to this incident. That appears at Volume 4 of the preliminary inquiry.

MS. KITELY: If my friend is going to refer to the transcript might I get a copy for the witness?

MS. CECCHETTO: Yes.

THE COMMISSIONER: Yes, she has it now, Miss Cecchetto.

MS. CECCHETTO: Q. All right. I am going to be referring you to Volume 4, page 803.

A. 803?



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Q. Yes. If you will look at
line, approximately 25.

A. Yes.

Q. At the question that begins
"All right".

A. Yes.

Q. "Q. All right. Now, this
digoxin you said was ordered locked
up at some point?

A. Yes, it was."

Turning to page 804:

"Q. And what time was that again?

A. Dr. Costigan came on the floor
at 10 o'clock and told me that I could
give out my digoxin, that there was
no problem with the concentration,
to give the digoxin out, have it
double checked and have it double
signed for. After that was completed
I was to lock up all the digoxin and
put in the narcotic cupboard.

Q. All right. And that is at
10 o'clock?

A. Yes.

Q. All right. And did you do that?



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"A. I had Bertha Bell check my digoxin with digoxin tickets, the medication tickets. I then went around and gave out all my medication, all the digoxin to the children that were on it."

And if you skip down she indicates the medication that she gave to certain children and she indicates that she did not give it to Justin Cook because Justin Cook was not on digoxin. If you skip down to the bottom of the page, the last question:

"Q. All right. And then after that what did you do with the digoxin that was in Room 417?

A. In the medication room?

Q. Yes.

A. What I did then was I came back, put my tickets away, took all the digoxin down from the counter, took the digoxin tablets, the digoxin tablets from the cupboard that's in here where we keep it.

Q. Yes, you are indicating a cupboard on the right of the larger..."

And then they indicate where the cabinet is.



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And then at about line 10:

"A. The bottle of elixir, I left it on the counter, I went in to relieve Sue just before 11:00, I told her that we had to lock up the digoxin. Susan had the keys because she had counted the narcotics at 7:15 that night when she had come in.

Q. Yes.

A. When Dr. Costigan told me to lock it up and I was going to relieve Susan in a few minutes, she had Justin Cook in her arms, she was trying to settle him. She also had another gown over her uniform that would protect her uniform from the baby.

Q. Yes.

A. So, if I had gone in then to get the tickets I would have disturbed Justin Cook, the keys. So, when I went in I told Susan about the digoxin being locked up. I asked her to lock it up before she had coffee and she did.

Q. Did you see her lock it up?



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"A. No, I didn't see her lock it up but --

Q. How do you know she did?

A. Because Susan, Susan is a very responsible person and I know, I asked her to do it and she would have done it.

Q. Did she tell you she did it?

A. Yes, she did.

Q. And if she locked it up, where would she be most likely to lock it?

A. I asked her to lock it up in the narcotics cupboard.

Q. And that would be on the cupboard on the right, the larger cupboard?

A. Which we don't have a picture for.

Q. No. And she kept the keys?

A. She kept the keys for it at the time because there was no use giving me the keys because then I would have had to disturb Justin as well. She came back to me a few minutes before 12:00, told me that



I.14

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3 "the digoxin was locked, she handed
4 me the keys and said she was going to
5 go down and pick up a paper."

6 Now, I suggest to you that there is
7 an inconsistency between the facts as you recollect
8 them and the facts to which Mrs. Trayner testified
9 to under oath at the preliminary inquiry. Would you
10 agree with me in that?

11 A. Yes.

12 THE COMMISSIONER: Well, are you
13 going to follow that up any further? Does that
14 assist you in determining what did happen?

15 MS. CECCHETTO: Q. Is your recollec-
16 tion of the events very clearly that Phyllis Trayner
17 at 12:30 --

18 THE COMMISSIONER: Well, I would
19 like to leave it so that she can decide now that you
20 have told the story that you went with Mrs. Trayner
21 and you went in and she got the keys from Susan
22 Nelles.

23 THE WITNESS: Yes.

24 THE COMMISSIONER: And you had told
25 her to go and lock it up. The story apparently from
Mrs. Trayner, I haven't been able to follow it, but
it was something different, it was that she had



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I.15

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arranged with Susan Nelles to lock it up and Susan Nelles went and locked it up and came and reported that she had. Those two stories cannot stand by each other, one must be false. Do you remember what happened?

7

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THE WITNESS: I remember going by the medication room and seeing the digoxin on the counter.

9

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THE COMMISSIONER: Yes. Do you remember getting the keys from Miss Nelles, not you getting them, but Mrs. Trayner getting the keys from Miss Nelles?

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THE WITNESS: Yes, I do.

THE COMMISSIONER: Yes, all right. Yes, Miss Forster.

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MS. FORSTER: Mr. Commissioner, I would just like to point out that the evidence that Miss Cecchetto read from Phyllis Trayner describes an event that happened before midnight. You may recall that this witness' evidence was that she didn't arrive on the ward until 12:30, so, there is a gap there.

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THE COMMISSIONER: Yes.

MS. CECCHETTO: But Mrs. Trayner, in fairness, sir, very clearly indicates that she has



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the keys returned to her by Susan Nelles prior to
12:00.

THE COMMISSIONER: Well, that's fine.
At any rate, having heard that from the testimony of
Mrs. Trayner, you don't wish, or you do wish, to tell
me, whichever it is, to change your evidence in any
way?

THE WITNESS: No.

THE COMMISSIONER: No, all right,
thank you.

MS. CECCHETTO: Q. Now, you also
testified yesterday that after the arrest you were
concerned by Mrs. Trayner's reaction. You indicated
that it distressed you that she would bring up the
topic of the deaths all the time. You alluded to
a particular incident when you had met with her and
Sui Scott for lunch and that was the only topic
she wanted to talk about. You also suggested that
that was the topic that seemed uppermost in her mind
all the time. Am I correct?

A. Yes.

Q. And you also indicated that
it was a matter that disturbed you and made you
uncomfortable?

A. Yes.



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Q. And I suggest to you that
you felt it was somewhat abnormal that she talked
about it all the time and you preferred not to
engage in the conversation all the time?

A. I did not think it had to be
the centre of conversation; no.



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Q. After Cook died when you had returned to the nursing station and you had been informed about Cook's death, you told us that you ran into Mrs. Trayner in the hallway?

A. Yes.

Q. And you told us that she had a discussion with you for about five minutes indicating that she was very concerned about why the doctors had taken so much blood from Justin Cook?

A. Yes.

Q. And she was quite insistent on wanting to know why that was done?

A. Yes.

Q. And you could offer her no explanation?

A. I wasn't there. I didn't see the blood drawn and I didn't speak to anyone so I couldn't offer any answer.

Q. You also indicated that she was extremely agitated at the time and seemed very worried?

A. Yes.

Q. And she did want an explanation; she asked you a number of times for an explanation, did she not?



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A. Yes.

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Q. Now at this time did she seek any reassurance at all about her own performance on the Cook arrest?

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A. Not at that particular time. The conversation was just centred on the amount of blood that was taken and where they went with it and what they were looking for.

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Q. She didn't express any concern that this was the second death in two nights to you?

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A. No.

12

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Q. She didn't ask you if you felt she had done everything appropriately at the time?

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Q. And you have mentioned yesterday that very often she sought reassurance about her behaviour after each and every arrest and was continuously seeking it notwithstanding the fact that she was reassured both by yourself and by the doctors?

19

A. That is right.

20

21

Q. Now you also told us yesterday that at about August you became aware of the fact that there was an increase in the number of deaths?

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A. Yes.

Q. And you were so concerned about



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it that you made a point of attending on the wards
as much as possible in order to assist the nurses
to deal with the stress level and in order to super-
vise what was going on?

5

A. Yes.

6

Q. And in the fall Miss Coulson
suggested to you that perhaps somebody was doing
something deliberately to the babies?

7

8

9

A. I can remember us having a
conversation, yes.

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(2) 11

Q. And you indicated yesterday
that the thought was repugnant to you, that you
couldn't believe that that would be the case, and
you didn't want to discuss it at all?

12

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14

A. That is right.

15

Q. But you also told us that as
time progressed and the deaths continued and began
to mount, that it became so bad that you began to
watch the clock and you wondered if you would make
it through the night without an arrest?

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A. I am not the only one that
wondered that.

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Q. All right. So that was a matter
of general concern?

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23

A. Yes.

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J.4

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Q. Everybody was aware of the fact that there were increasing deaths.

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It got so bad I suggest to you that you hated to go to work or you dreaded the thought of going to work?

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A. I am sorry, but I never hated going to work.

8

9

Q. Oh, I am sorry, you dreaded the thought of going to work because of the possibility that there might be another death?

10

11

A. I was concerned, yes.

12

13

Q. And you also told us that you felt that if you made it to 5 o'clock without a death then you breathed a sigh of relief because you thought, well, there won't be any deaths tonight?

14

15

A. I think everyone did.

16

17

Q. And at some point in time you spoke to Dr. Freedom about your concerns, and he suggested to you that the babies were dying because of their cardiac conditions and that deaths were attributable to their sicknesses?

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A. Yes.

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Q. And you indicated you wanted to accept the explanation?

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A. That is right.



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Q. But I suggest to you that deep down it really wasn't an explanation that provided an answer to the situation, was it?

A. Yes, I accepted that answer.

Q. Have you ever - your curriculum vitae indicates that you became a nurse in 1966?

A. Yes.

Q. And part of your experience has been in ICU for a number of years?

A. Yes.

Q. Have you ever come across a situation similar to this one?

A. Where there has been a long stretch of deaths like that?

Q. Yes.

A. No, I haven't.

Q. Restricted to certain times. You indicated that the times you noticed were between three and five in the morning?

A. Most deaths do occur during the night. Not always between three and five in the morning.

Q. And have you ever come across a situation where it was restricted to a single nursing team?

A. No.



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Q. So this was a situation that was completely alien to anything you had ever seen before?

A. Yes.

Q. And you indicated that you thought it was just an incredible spate - like these aren't your words - but you thought it was bad luck. Those were your words?

A. I thought it was unfortunate, yes.

Q. I suggest to you that we have gone through some calculations here and the calculations have shown that for Phyllis Trayner she was on 52 nights, and on those nights there were 28 deaths which had been categorized as suspicious deaths by the Atlanta people.

I suggest to you that that really is an incredible spate of bad luck?

A. I have to accept your figures.

Q. Now you said that everyone was aware of this circumstance. The fact that there were increased deaths?

A. Who do you mean by "everyone"?

Q. Well, were the nurses aware of it, the nurses generally?



J.7

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A. What nurses? On 4A and B

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particularly?

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Q. On 4A and 4B.

5

A. Yes.

6

Q. Would nurses on other wards be

aware of it also?

7

A. Yes.

8

Q. And the doctors were aware of it?

9

A. Yes.

10

Q. And your Director was aware of

11

it because you brought it to her attention?

12

A. Yes.

13

Q. So generally it was a matter

that was well known in the Hospital?

14

A. Yes.

15

Q. And it was a matter that was of

16

considerable concern?

17

A. It was of concern to me.

18

Q. Well, it was of considerable

19

concern generally --

20

A. I can't speak for anybody else.

I can speak for myself.

21

Q. Now you indicated that when

22

these arrests would occur the nurses would generally

23

ask you if the arrest had been on the Trayner team?

24

25



J.8

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A. I mentioned one nurse in particular, yes.

4

Q. Who was that nurse?

5

A. Are we into giving names again?

6

THE COMMISSIONER: Well, I don't know. Does anyone think that is not a reasonable question? Well, I think, yes - you weren't listening, Mr. Lamek?

8

MR. LAMEK: I was trying to arrange something else.

10

THE COMMISSIONER: I am sure it was very important and I am certainly not abusing it.

11

12

The question was whether one particular nurse had divulged certain information or asked certain questions.

13

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Can we just have what it was that was said first before we have the name?

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THE WITNESS: She asked me if Phyllis' team was on again?

17

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THE COMMISSIONER: On what occasion was this?

19

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THE WITNESS: After one of the arrests. I couldn't tell you which baby it was or which arrest it was.

21

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THE COMMISSIONER: Well, I think it is legitimate to say who the nurse was.

23

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J.9

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THE WITNESS: Okay. She worked - she didn't work on 4A/B. She worked in another part of the Hospital.

5

THE COMMISSIONER: I see.

6

THE WITNESS: Her name is Wendy Whaley Martin.

7

8

9

MS. CECCHETTO: Q. Were you aware of any discussions at this time about the possibility of breaking up the Trayner team?

10

A. Yes.

11

12

Q. And what was your opinion on whether or not other nurses wanted to be part of that team?

13

14

A. That wasn't my decision to make.

15

16

17

18

Q. Well, were you aware of any discussion amongst the nurses whether or not they would like to be part of the team or did they voice any concern about being incorporated into the Trayner team?

19

20

A. Some of the nurses did say that they did not want to work with that team, yes.

21

22

Q. And did they make that known to you specifically and did they ask you to relay it to anyone else?

23

24

25

A. They were just telling me they



J.10

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didn't want to be associated. I am sure they told
their head nurses.

4

Q. Now after August of 1980 you

5

made a point of attending on the ward as much as

6

possible during the night when you had time available

7

in order to assist the nurses and to help them deal

8

with the stressful situation?

9

A. Yes.

10

Q. During the course of time

11

between August 1980 and March of 1981 did you notice

12

any pattern of relieving? Did you notice that any

13

particular nurse was relieving other nurses more

often?

14

A. It seemed that Phyllis would

15

relieve the constant care nurses more often than other

16

nurses on that team.

17

Q. And was this a noticeable thing?

18

A. It must have been because I

noticed it.

19

Q. Did you notice whether or not

20

Mrs. Trayner was involved after the arrests in the

21

cleaning up?

22

A. Yes.

23

Q. And so she would be involved

24

in the cleaning up of the room and the babies?

25



J.11

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A. She would help the nurses, yes.

3

Q. Did it come to your attention

4

whether that was at her suggestion or is it normal

5

for a team leader to clean up the rooms after an

6

arrest?

7

A. I don't think there is anything

8

unusual with that, no.

9

Q. But did you notice that she

10

was cleaning up more often than others?

11

A. It seemed to be.

12

Q. Now in your examination by

13

Miss Kately yesterday and in your discussions with

14

Mr. Brown this morning you made reference to a

15

conversation that you had with Constable Murray

16

prior to the preliminary?

17

A. Yes.

18

Q. Where he asked you if you thought

19

Susan Nelles was guilty and you indicated you couldn't

20

believe that she would be guilty, and he indicated

21

that she was guilty and she was going to be found

22

guilty?

23

A. Yes.

24

Q. Now that took place in Mr.

25

McGee's office I understand?

A. It was downstairs in the old



J.12

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City Hall. I don't know whose particular office it was.

3

4

Q. Mr. McGee was not present,
though, for the discussion?

5

A. No, he wasn't.

6

Q. Nor was Mr. Wiley?

7

A. No.

8

Q. Did you ever report that
conversation to either Mr. McGee or Mr. Wiley?

9

A. I don't think so. I don't think
anybody asked me.

11

Q. All right. But did you report it?

12

A. No.

13

Q. You never have reported it to
any other representative of the Attorney General's
office even, did you?

15

A. I didn't - the only people I
saw was Mr. McGee at the preliminary hearing. I
didn't see anyone before that or after that.

18

MS. CECCHETTO: All right. Thank you.

19

THE COMMISSIONER: Thank you, Miss
Cecchetto.

20

21

Now every time I try to arrange among
you three you have made some different arrangement
so I will just ask who wants to go next?

22

23

CROSS-EXAMINATION BY MR. PERCIVAL:

24

Q. Mrs. Johnstone, may I commence

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A. Yes.

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Q. I take it that at some point

11

in time after you learned of the arrest of Susan

12

Nelles on Wednesday, March 25th, that you continued
to work?

13

A. Yes.

14

Q. And at some point in time were

15

you, without saying what was said, but at some point

16

in time did you talk to any counsel representing

17

either - representing the Hospital or the RNAO?

18

A. No, I only spoke with Miss Evans

19

and she said there had been a meeting with Mr. Carter.

20

Q. All right. Do I take it then

21

that your answer to my question is no, you didn't

22

speak to a particular lawyer prior to meeting with
Sgt. Sangster?

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A. No, I did not.

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Q. All right. And under the circumstances do I take it that Anne Evans told you that you should try to co-operate with the police?

A. Yes.

Q. And was there any restrictions placed upon, or that you perceived to be placed upon the degree of co-operation that you would give with the police in your conversation with Anne Evans?

A. No.

Q. All right. In any event you perceived that morning then that probably you were going to be asked about the death of Baby Cook before you went in to see Sgt. Sangster?

A. I did not know what they were going to ask me about, no.

Q. Well, ma'am, at that point you knew of only one charge against Susan Nelles?

A. Yes.

Q. And that was Baby Cook?

A. Yes.

Q. And you knew that you had some evidence that might be of some value to whoever wished to ask the questions?

A. I didn't know whether it would be evidence or not. I was to relate my night and I did.



J.15

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Q. Now do I take it in addition

to what you indicated Anne Evans already told you,
the admonition or the instructions that you felt were
there is that Mr. Carter said whatever you say to the
officers, if it is taken down in writing, do not sign
it. Do you remember that?

A. I was told I didn't have to
sign it, that is right.

Q. And were you also told that
immediately after finishing any such interview that
you were to go home and while it was still fresh in
your mind write your own notes as to what was said
during the course of the interview?

A. Yes.

Q. And do I take it then that as
soon as was reasonably possible from your standpoint
that after that initial meeting with Sgt. Sangster on
March 27, that within the next couple of days (that
is to say on Sunday, March 29th) you did in fact do
what Mr. Carter had told Miss Evans, had told you to
do?

A. Yes.

Q. All right. And those notes
are the first five pages I understand of Exhibit 353.
You have a copy of that in front of you?

A. I do.



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Q. And if I compare the format of both Exhibit 353, the first five pages, and the police interview statement, Exhibit 358, I think you probably have had an opportunity to look at both and carefully compare them, have you not?

A. I have read them both, yes.

Q. Well, they are almost identical in the format, how they are set up, what you have done, for instance, your curriculum vitae, where you worked, your responsibilities. Did you try when you were trying to sit down there writing on the Sunday, in Exhibit 353, did you try to recall precisely what you had told Sergeant Sangster.

A. Yes, I did.

Q. Do you agree with me that if I look at 353 and 358 the documentation or the statements seem to be very close, if not almost identical in relation to your recollections.

A. I wrote down what I could recall, yes.

Q. Have you looked at the two of them and have you seen any inconsistency between the two, is what my question is.

A. I don't think so, no.

Q. Then do I take it you then having



1
2 prepared Exhibit 353 made a copy of it and then
3 provided that to the hospital?

4 A. I gave my original notes to Ms. Kitely.

5 Q. Do I take it then you kept your
6 original notes until Ms. Kitely was involved and this
7 Royal Commission was created?

8 A. Yes.

9 Q. Now, those original notes then
10 were made as a result of what you perceived to be
11 the instructions from Miss Evans and Mr. Carter.
12 The second interview as I understand it was on April
13 27th, 1981, when you were asked questions about
14 Baby Miller, is that correct?

15 A. Yes.

16 Q. And did you as a result of the
17 previous instructions by Ann Evans and Mr. Carter
18 following that interview make notes as to what
19 was said at that interview on April 27th, 1981?

20 A. It doesn't look as if I did, no.

21 Q. I didn't know whether it looked
22 or it didn't look; I didn't know whether you had
23 some other personal notes that were not provided to
24 the Commission, that's my question.

25 A. Not that I am aware of.

Q. So I take it then that on that



1
2 meeting of April 27th you gave a statement about the
3 events surrounding the death of Baby Miller, and it
4 was to the best of your ability at that time on your
5 recollection.

6 A. Yes.

7 Q. Now, dealing with -- taking it one
8 step further to the time of the preliminary hearing
9 on February 4th, 1981, do I take it that knowing that
10 you were going to become involved in a preliminary
11 hearing, that you did review your own notes certainly
12 prior to the time you ever went down to the court house
13 to give evidence.

14 A. Yes.

15 Q. And so do I take it then that
16 certainly even before you arrived at the court house
17 in response to this subpoena you had an abundant
18 opportunity, in fact as much opportunity as you
19 wished, to review your own notes as to the events
20 surrounding the death of Baby Cook.

21 A. I had my own notes, I did not have
22 anything else, no.

23 Q. I understand that. What I want
24 to know is you had lots of time to do that.

25 A. Yes.

Q. And when you were then provided



1
2 by Constable Murray with the two handwritten state-
3 ments that were taken from you on March 27th and
4 April 24th, the only thing that you really had, I
5 suggest to you, that you had to really concern your-
6 self with was the short statement relating to the
7 events surrounding the death of Baby Miller.

8 A. I read them both.

9 Q. Do I take it that you knew -- you
10 had never given evidence before at a preliminary
11 hearing?

12 A. No, I hadn't.

13 Q. You knew that your evidence would
14 be under oath?

15 A. Yes.

16 Q. And you wanted to tell the truth?

17 A. Yes.

18 Q. You are not suggesting, I take it,
19 to the Commission that because of the short period
20 of time that you had to review the statements that
21 your evidence was somehow suppressed, or forgotten
22 about, or not as full and complete as you wanted to
23 give it at the preliminary hearing?

24 A. I am not sure what you mean.

25 Q. Well, the impression was left,
and forgive me if I say this, yesterday, that because



1
2 of the short period of time that you had to look at
3 the statements, that for some reason your evidence
4 at the preliminary was less than adequate. Did you
5 try to leave that impression?

6 A. I don't think I left that
7 impression.

8 Q. Well, it was a mistaken impression
9 that I had as a result of yesterday afternoon, forgive
me.

10 Now, in any event do I take it then
11 that the events at least so far as the deaths of
12 Baby Cook and Baby Miller were reasonably fresh in
13 your mind when you did give evidence at the preliminary
hearing, as best as you could recall.

14 A. Yes.

15 Q. Now, on June 24th, after the
16 preliminary and after Susan Nelles had been discharged,
17 it was as a result of the discussion you had with
18 Ann Evans that you of your own volition picked up the
19 phone and contacted the Metropolitan Toronto Police
20 and told them that you had some further evidence that
21 had been on your mind and you wanted to pass that on
to the officers, is that not correct?

22 A. I told them that I would like to
23 talk to them because I had thought of some things that
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I wasn't sure that I had said.

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Q. And the reason that you did that, of course, was that you wanted to give them as much help as you could in trying to determine what had happened in that -- insofar as those babies' deaths were concerned.

7

A. I tried.

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Q. Yes. On that occasion in June of 1982 you gave certain information about the loaded syringe, did you not, and the Inderal taped to the bottom of the bed?

12

A. Yes.

13

14

Q. And you also told them about your conversation with Nurse Trayner and the lock up of the digoxin, and the key problem with Nurse Nelles.

15

A. Yes.

16

17

Q. And you had not been previously questioned about that at the preliminary hearing.

18

19

A. I couldn't recall my appearance at the preliminary hearing.

20

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Q. In any event that discussion that you had with Nurse Trayner and involving Nurse Nelles was involving the lock up of digoxin, at least you felt it might be of some importance to someone.

23

A. Yes.

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Q. In this investigation?

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A. Yes.

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Q. And that is -- I put it to you that is one of the prime reasons why you contacted the police in June of 1982 to impart that information that you had.

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A. I couldn't recall whether I had given them that information before or not.

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Q. You have looked at your statements and you have looked at your evidence at the preliminary hearing, had you in fact previously said that?

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A. I can't recall right now.

14

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Q. In any event that evidence is certainly before this commission and I don't want to take the time.

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THE COMMISSIONER: It is not in?

17

MR. PERCIVAL: It is not.

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THE COMMISSIONER: No.

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Q. Now, let me take you to a further area, and perhaps what I might do is deal with the subsequent police interviews, if I may deal with them in October of 1982 with Sergeant Lowe and Sergeant Wolfe, again remember I think you have given that evidence to your counsel with respect to the series of



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meetings you had.

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A. I remember meeting with Sergeant Lowe, I could not remember the name of the other officer that was there.

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Q. And it was as a result, and after those particular meetings that you made the further notes that are appended after page 5 in Exhibit 353.

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A. I remembered that I should make notes, I had been told that I should make notes, so I did.

11

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Q. I understand. Well, then when you offered to Sergeant Lowe and Sergeant Wolfe --

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THE COMMISSIONER: I'm sorry, the further notes that are appended to --

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MR. PERCIVAL: Exhibit 353 is the first five pages that are numbered 1, 2, 3, 4, 5, Mr. Commissioner, which apparently were prepared on Sunday, March 29th.

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THE COMMISSIONER: These are the ones that are dated October 28th, 1982?

20

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MR. PERCIVAL: Yes, sir.

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THE COMMISSIONER: All right, thank you.

Q. Mrs. Johnstone, do I take it when you told Sergeant Lowe and Sergeant Wolfe that



1
2 you had some personal notes, what you were alluding
3 to were the first five pages, the numbered pages.

4 A. Yes.

5 Q. And they looked at those.

6 A. Yes.

7 THE COMMISSIONER: I'm sorry, it is
8 the first five pages, and the six in retrospect too?

9 MR. PERCIVAL: I'm sorry, and the
10 in retrospect pages as well.

11 THE WITNESS: I am sorry, too.

12 Q. You showed them that?

13 A. Yes.

14 Q. And they looked at it and they
15 said no, we don't need these.

16 A. I asked them if they wanted
17 them and they said no.

18 Q. And if what is contained in those
19 six pages are identical to the previous statement then
20 that is hardly surprising, is it?

21 A. I guess not.

22 Q. Now, one of the things that Ms.
23 Kitley also brought up was the fact involving your
24 difficulty in remembering certain events involving
25 the death of Baby Estrella, do you remember that?

A. Yes.



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Q. And the problem that you had

I gather was even trying to remember with different baby deaths what-precisely what happened at the time of their arrest, because there had been so frequent arrests.

A. There had been several, yes.

Q. And do I take it that even after you looked at the chart involving the death of Baby Estrella, you still had difficulty trying to remember what you did on that particular night shift as nursing supervisor.

A. I could not remember the death of Janice Estrella; I could not remember the arrest being called.

Q. In any event, it was clear from the file, or the chart, that you had been there, that was clear to you from what you can see.

A. I knew I had been there because I had checked my schedule.

Q. Then do I take it that the question or the proposal of hypnosis was suggested to you solely for the purposes of perhaps aiding your memory?

A. Yes.

Q. And you didn't feel that there



1
2 was anything sinister about that suggestion, you
3 knew that the police officers were trying to find
4 out what your best memory was.

5 A. Yes.

6 Q. Now, ma'am, may I deal with a
7 matter that involves an issue that perhaps you may
8 or may not find is something you wish to talk about;
9 but I want to talk about euthanasia for a moment.

10 Prior to the events which surrounded
11 the arrest of Susan Nelles, did from time to time
12 you have conversations with your nursing friends at
13 the hospital, both inside and outside of the hospital,
14 about the quality of life likely to be achieved by
15 the babies on Ward 4A and 4B?

16 A. Not on 4A and 4B in particular,
17 no.

18 Q. Let's take it one step further.
19 Did you talk about the question of mercy killings
20 to other nursing friends prior to the arrest of
21 Susan Nelles?

22 A. I think it is a conversation all
23 nurses have at one point or another.

24 Q. And did you from time to time
25 also talk to nurses and residents within the hospital
about that particular subject?



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A. I can't recall talking to any doctors about it, no.

Q. In particular, did you ever speak to Dr. David Nelles, a brother of Susan Nelles, who was a resident on 4A/4B in the early stages of this epidemic period?

A. No, I don't think so, no.

Q. Do you ever recall meeting him?

A. I have met him, yes.

Q. Well, let's be more specific; did you ever speak to anyone on the nursing team about this particular subject at any time up until the arrest of Susan Nelles?

A. I can't say for sure who I talked to.

Q. Well, what I am getting at is this, that presumably you were very much aware and certainly you were aware when you came back from vacation in the summer of 1980 of the increasing frequency of baby deaths.

A. Yes, I was informed.

Q. And the increasing arrests and the Code 25's.

A. I was told of them, yes.

Q. And at any time prior to the arrest



13 1
2 of Susan Nelles did you not ever speculate amongst
3 your fellow nurses about what would be the reason for
4 it and whether it had anything to do with mercy
5 killing?

6 A. We talked about it, but we
7 felt that it was due to the complexity of the
8 children's heart defects.

9 Q. When you say the word, "we",
10 can you be more precise, is it a question of you
11 talking to your other supervisors, or did you get down
12 to the main line nurses and nursing assistants
13 when you would have those discussions?

14 A. I think I have talked with my
15 nursing supervisors about it and also the nurses.

16 Q. So do I take it that given the
17 fact that you were spending as you have indicated
18 more and more time on Wards 4A and 4B, that it was
19 likely discussed on at least one occasion
20 with the members of the Trayner nursing team?

21 MR. ROLAND: Mr. Commissioner, I'm not
22 sure what "it" is, it is increased deaths, or it is
23 euthanasia, it is certainly not clear what we are
24 referring to?

25 THE COMMISSIONER: I thought it was
really --



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MR. PERCIVAL: I am talking about mercy killing.

MR. ROLAND: I thought the witness when she was referring to "it" was talking about increased deaths.

THE WITNESS: So did I, because you asked me about increased deaths.

MR. ROLAND: Mr. Percival, I don't know, I have never talked to this witness, Mr. Commissioner.

MR. PERCIVAL: I haven't talked with this witness either, Mr. Commissioner.

THE WITNESS: And I have not talked to you before either.

MR. PERCIVAL: Q. I beg your pardon?

A. I have not talked to you before.

Q. All right. Well, Miss Johnstone let's get back to what I started the subject with about mercy killings, euthanasia. What I wanted to know is did you talk to members of the nursing, nurses and the nursing supervisors about mercy killings and their connection, if any, with the increasing incidents of baby deaths during this nine month period?

A. No.

Q. Now, Mr. Lamek questioned you yesterday about your thoughts during that



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cr. ex. (Percival

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nine month epidemic period and the fact that you

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were becoming increasingly aware of the fact that

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it was the same nursing team, and that they always --

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the deaths always seemed to be at night between

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3 a.m. and 5 a.m., do you remember that evidence?

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A. Yes.

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Q. And I suggest to you as the months went by and the baby deaths kept occurring with more increasing frequency that you actually dreaded being on nights when you were supervising 4A and 4B, particularly when the Trayner team was working.

A. I don't think I dreaded working at all.

Q. Well, ma'am, I didn't say that. I said did you dread working on nights when you knew you had to supervise 4A and 4B and you knew the Trayner team was working?

A. No. I was uncomfortable some nights with the idea but I didn't dread being there.

Q. All right.

MS. KITELY: Mr. Commissioner, I rise once and I think the witness was trying to answer the question and I would appreciate it if Mr. Percival would allow him to finish the answer.

THE COMMISSIONER: Yes. Did you have anything to say in addition to that, that you were uncomfortable but you didn't dread it? That's what I thought you said. Was there something more you wanted to say?

THE WITNESS: No.



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MR. PERCIVAL: Q. Mrs. Johnstone,
if I override you please forgive me and by all means
you jump in and keep talking.

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A. I'll try.

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Q. All right, thank you. Now,
I suggest to you that during this time period as the
months progressed and certainly into the month of
March it seemed almost inevitable did it not that
arrests were occurring with more rapid frequency and
Code 25's would be called?

11

A. Yes.

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Q. All right. And I think you
spoke on Monday in answer to a question by Mr. Lamek,
before the nine month period the frequency of Code
25's that were called when you were on nights were
perhaps one a month?

17

A. Yes.

18

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Q. All right. And certainly you
were never asked and I'm asking you now, I suggest
to you that during this nine-month period that
frequency when you were on and when arrests and
Code 25's were called were more like four or five
or six per month?

23

A. I didn't dispute that.

24

Q. Well, can you tell the

25



1
2 Commission what your recollection is or what your
3 belief was how frequently they became in the nine-
4 month period because nobody has asked you that?

5 A. Okay, I was aware of the increase
6 in number. I did not count the number for each
7 month.

8 Q. Well, can you be more precise
9 with respect to the awareness that you had?

10 A. I don't know what you're asking
11 me.

12 Q. Well, was it twice as much,
13 three times as much, four times as much?

14 A. There was a marked increase.

15 Q. All right, a marked increase,
16 thank you.

17 Now, you told Mr. Lamek that after
18 the increased deaths started when you returned from
19 vacation the summer of 1980 you had a tendency to
20 spend more time on Wards 4A and 4B when you were
21 acting as night supervisor. Do you recall giving
22 that evidence to Mr. Lamek?

23 A. Yes.

24 Q. And you gave the impression
25 in your evidence that the reason that you did this
was for a number of reasons. Perhaps because I have



1
2 difficulty recalling your evidence, tell me the
3 reasons that you were spending so much more time on
4 4A/4B when you became aware of the increasing baby
5 deaths on those wards?

6 A. Partly because I was concerned
7 that there was an increase because I knew the nursing
8 staff were under a lot of stress because of the
9 increase and I wanted to support them.

10 Q. All right. Well, again, it
11 seems to me that your paramount concern, and you
12 will forgive me for this, seems to be your concern
13 about the feelings of the nurses and not finding
14 out what is happening to the babies.

15 A. I tried. I spoke to a doctor
16 about it and he gave me an answer which I felt was
17 reasonable.

18 Q. Well, do I take it then in the
19 nine-month period your concern about what was
20 happening to the babies and how further baby deaths
21 could be prevented was answered by one conversation
22 by a doctor?

23 A. I had read the mortality
24 round minutes also.

25 Q. No, but ma'am, you see, one
thing that concerns me is that the best you could say



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3 to Mr. Lamek was that, yes, you spent more time on
4 that ward to see if they're missing something. Were
5 you not going further? Wouldn't it have been some-
6 thing that you, if Justin Cook was the sickest baby
7 on that ward and you were concerned about the increas-
8 ing arrests, wouldn't that be something, sort of
9 like saying, I would have spent more time with that
10 baby to see what happens and why arrests occur?

11 A. I think I have said that before.

12 Q. All right. Well, did you do
13 it with any other baby aside from Justin Cook?

14 A. Yes, I did.

15 Q. What other baby?

16 A. I just mentioned the Woodcock
17 baby.

18 Q. Any other baby of the two out
19 of the 36?

20 A. If there was any child that
21 I was particularly concerned about I would drop back
22 and see those children.

23 Q. Well, was it a question of
24 your concern as to their well being or was it a
25 question of finding out why the arrests were
increasing with greater frequency?

A. I was concerned for the children.



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Q. All right. Now, ma'am, we are getting to the point where I want to deal with Saturday, March 21st and Sunday morning, March 22nd. I gather it is clear that when you came on shift that night that from your looking at the, I take it you call it the tour report, is it?

A. The tour end report, yes.

Q. The tour end report that the only baby that you felt or that you could remember was Justin Cook.

A. That I could remember; there may have been more.

Q. Do I take it from that that probably he was the sickest baby on those two wards then at that shift?

A. He was one of the sickest babies, yes.

Q. All right. Well, in fact, he was the only baby that you can recall that was on constant nursing care?

A. Yes.

Q. Would that not indicate to you that probably he was the sickest?

A. He was one of the sickest, yes.

Q. All right. Now, you have told



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2
3 Mr. Lamek and you told the preliminary hearing about
4 this loaded syringe and the Inderal vials taped to
5 the bottom of the bed of Justin Cook. I don't want
6 to get into it in some greater detail but back on
7 3391 of your evidence I believe yesterday you started
8 to make enquiries and you kept saying 'they' and I
9 was wondering who you were making enquiries of?

10 A. Would you mind if I had a look
11 at the transcript?

12 Q. By all means.

13 A. Would you tell me the page
14 again, please.

15 Q. 3391.

16 A. Thank you.

17 MS. KITELY: Would you direct her
18 to the specific passage, Mr. Percival.

19 MR. PERCIVAL: It is at the top of
20 the page, Miss Kitley.

21 THE WITNESS: Can I read the first
22 part of the answer on the other side of the page?

23 MR. PERCIVAL: Q. By all means.
24 Miss Johnstone, all I am saying to you is you talked
25 about 'they' and I just didn't know who 'they' was,
that's my question.

A. Oh, I'm sorry.



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THE COMMISSIONER: It's the 'them'
actually.

MR. PERCIVAL: Oh, I'm sorry.

THE COMMISSIONER: "I asked them"
and "they told me that it had been drawn up by
somebody on the day shift". I'am reading from line
6 or 7 on page 3391. I think what Mr. Percival
is asking is who the 'them' or the 'they', presumably
they are the same people, but who they were.

THE WITNESS: Susan Nelles and
Phyllis Trayner.

MR. PERCIVAL: Q. All right. And
it was clear I gather to you at that time that this
certainly was not normal or proper or appropriate
hospital procedure with respect to having a loaded
syringe and medication taped to the bottom of the
baby's bed?

A. That's right.

Q. All right. And you pointed
that out, did you not, to Phyllis Trayner as team
leader?

A. To both of them.

Q. Yes. Was anybody's response
that procedures could not always be followed?

A. I don't remember anyone saying



L9
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2
3 that, no.

4 Q. Well, what do you remember
5 them saying?

6 A. Just what I have said already,
7 that it was drawn up by someone else during the day,
8 they didn't know who it was.

9 Q. Now, I want to get to the
10 question of Exhibit 357. This may be an appropriate
11 time, I want to deal with that next.

12 THE COMMISSIONER: Yes, all right.
13 Well, we will rise until 2:30 then.

14 MR. LAMEK: Mr. Commissioner, could
15 we please have some idea how much longer the cross-
16 examination will take for this witness?

17 MR. PERCIVAL: I will be no more
18 than three-quarters of an hour, Mr. Commissioner.

19 THE COMMISSIONER: Mr. Roland?

20 MR. ROLAND: I will be very short.

21 MR. PERCIVAL: They are all very
22 short.

23 THE COMMISSIONER: They are all very
24 short. What about Miss Jackman, have you any idea?

25 MS. JACKMAN: I have no questions.

THE COMMISSIONER: Mr. Olah?

MR. OLAH: I will be very short, sir.



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THE COMMISSIONER: What about
Mr. Labow?

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MR. LABOW: I expect to be about
20 minutes, Mr. Commissioner.

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THE COMMISSIONER: Mr. Shinehoft?

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MR. SHINEHOFT: Very short,
Mr. Commissioner.

9

THE COMMISSIONER: Mr. Tobias?

10

MR. TOBIAS: I expect to be about
15 minutes, Mr. Commissioner.

11

12

THE COMMISSIONER: Well then, maybe
we will finish by tomorrow morning. Miss Kately,
have you - well, you don't know?

13

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MS. KATELY: Don't know yet, sir.

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MR. LAMEK: Thank you.

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THE COMMISSIONER: Well, let's hope
for the best. Until 2:30 then.

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---Luncheon recess.

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---On resuming at 2:30 p.m.

THE COMMISSIONER: Yes, Mr. Percival.

CROSS-EXAMINATION BY MR. PERCIVAL: (Continued)

Q. Now, Mrs. Johnstone, if I may deal with Exhibit 357. I wonder if you have that before you? It is a two-page document. The bottom document is the memorandum from Mrs. Ross directed to Mrs. Geiger through you and Mrs. Richardson, dated March 21st, 1981 on the subject digitalis, and attached to that is your handwritten note I gather to Mary, Mary Sword, which is dated Sunday a.m., 22-3-81.

A. Yes.

Q. Do you have that in front of you?

A. Yes.

Q. Now, as I understand your evidence to Ms. Kitley yesterday, this particular -- these particular two documents were found by you approximately two or three weeks ago at home while you were going through your personal notes in anticipation of giving evidence to this Commission.

A. I didn't say my personal notes.

Q. Oh, all right. I'm sorry.

A. I found them when I was looking through my desk.



1

2

Q. All right. Desk at home?

3

A. Yes.

4

Q. All right.

5

In any event then I gather you provided them to Mrs. Kitely.

6

A. Miss Kitely, yes.

7

8

Q. And did you provide them to Mr. Lamek when you were interviewed by Mr. Lamek?

9

10

A. I think he was given them by Ms. Kitely.

11

12

Q. Well, do I take it then you did not give it to Mr. Lamek?

13

A. Me personally, no.

14

15

MS. KITELY: Excuse me, if I might, sir, a copy was given to Mr. Lamek while Miss Johnstone was reading it.

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MR. LAMEK: With respect, I have no recollection of seeing the notes that were introduced by Ms. Kitely the other day before they were introduced. I have no recollection of it. I don't for a moment say it wasn't so, but I have no recollection of it.

21

22

MS. KITELY: Perhaps that is between Mr. Lamek and I, sir.

23

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MR. PERCIVAL: I would have thought, Mr.



1
2 Commissioner, sometimes maybe the police do have
3 certain rights. If we are giving all the statements
4 one way -- it can't be always a one way street.

5 THE COMMISSIONER: Yes. Well, --

6 MR. PERCIVAL: In any event, I can
7 confirm for a fact that that was news to me again
8 in the course of your evidence.

9 Q. In any event you didn't give a
10 copy of that to me, did you, Mrs. Johnstone?

11 A. I have never met you before.

12 Q. All right, thank you. Now,
13 ma'am, do I take it that up until the time you discovered
14 them in your desk you had forgotten that you had them?

15 A. Yes, I did.

16 Q. All right. And do I take it that
17 up until the time you discovered them you had forgotten
18 that you had received an actual memorandum from
19 Mrs. Ross?

20 A. I did not realize I had these
21 documents.

22 Q. And you had also forgotten that
23 you had written a memorandum to Miss Sword?

24 A. Yes, I did.

25 Q. And do I take it that had you
remembered either of those documents and were available,



1
2 you would have certainly given them to the police
3 in the course of their investigation and the number
4 of interviews that you had with them.

5 A. Yes, I would have.

6 Q. Thank you.

7 Now, it is clear I take it that the
8 covering memorandum to Miss Sword entitled, "Mary"
9 and "Have a good night, Lynn" at the bottom --

10 A. Yes.

11 Q. -- was in fact prepared by you,
12 what, at 7 or 8:00 in the morning after your shift?

13 A. After my shift had ended, yes.

14 Q. That would be about 7 a.m. on
15 Sunday morning, March 22nd, and this is after
16 Baby Cook had died.

17 A. This is between 7:30 and 8:00,
18 yes.

19 Q. Thank you.

20 The document I gather was created for
21 the purpose of providing to Miss Sword some informa-
22 tion as to what had transpired with respect to digoxin
23 and what had also transpired in the course of your
24 shift because you were not going to see Miss Sword
25 until 2 or 3 days later.

A. That is right.



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Q. And in fact you invited her as I see at the bottom, "If you have any questions don't hesitate to call me because I will probably be up until 1 or 2 p.m."

Is that what it says?

A. It says 1 or 2 a.m.

THE COMMISSIONER: I think it is 1 or 2 a.m.

MR. PERCIVAL: I don't understand that.

Q. Do you mean 1 or 2 a.m., the next day, on the Monday night or Sunday night, I am sorry.

A. Sunday night, going into Monday morning, yes.

Q. All right. So I take it it was your belief at the time you created this document that she was not likely to see it until about 11:00 that night.

A. That is right.

Q. And did you leave it in her box? Is there a depository where she could receive that if she came on shift at 11:00 that night?

A. I think I put it in an envelope and left it -- a sealed envelope and left it for her.



1
2 Q. Now you were questioned by Ms.
3 Kitley when this document was presented to the
4 commission yesterday about the contents of the first
5 paragraph where you state:

6 "Attached is a photocopy of the memo
7 sent to Miss Geiger re. digitalis on
8 the wards. I think it's self-
9 explanatory. Several babes that have
10 arrested have apparently had high
11 digoxin levels, therefore, the concern."

12 And I believe at page 3547 Ms. Kitley questioned you
13 as to what caused you to write that sentence, and I
14 give it to you, your answer directly -- your answer
15 was:

16 "I don't know. I don't know why I
17 wrote that sentence. I don't know if she
18 did tell me that there had been some
19 elevated dig. levels but I feel she
20 must have because I wrote it there."

21 Do you recall giving that answer to
22 your counsel on that occasion?

23 MS. KITLEY: What page was it again,
24 Mr. Percival?

25 MR. PERCIVAL: Oh, Ms. Kitley, it's
a simple question. I'm not going on 14 pages.



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MS. KITELY: I would like her to read the question and the answer, Mr. Percival.

MR. PERCIVAL: Well, can't she listen?

MS. KITELY: What page was it, please, Mr. Percival?

THE COMMISSIONER: Page 3547.

MS. KITELY: Thank you, sir.

MR. PERCIVAL: Mr. Commissioner, I can understand why a witness needs to have the verbatim transcript in front of them when you are reading on for three or four pages, but a simple question and an answer, and if my friend thinks I misstated it, she can read it, surely.

MR. BROWN: With the greatest respect, sir, I recall when Dr. Kauffman was here great effort was made by counsel to refer to the page and Dr. Kauffman be allowed to read the transcript.

I think the same courtesy should well be afforded to any other witness.

THE COMMISSIONER: Well...

MR. PERCIVAL: Q. Mrs. Johnstone, having read it do you agree that you said it?

A. Yes.

Q. Thank you.

Now, the comment is in your language,



1
2 and presumably it says, "Several babes that have
3 arrested have apparently had high digoxin levels,
4 therefore the concern", and one problem that I
5 have, Mrs. Johnstone, is that at the time you wrote
6 this memorandum precisely what you knew.

7 I think that your previous evidence
8 to a number of people in this commission has been that
9 you can't remember precisely what information was given
10 to you by Mrs. Ross at the time you received the
11 memorandum and before you commenced shift that night.

12 A. All I can say is I do not remember
13 whether she told me that statement or not; that I
14 wrote it, so she must have said it to me.

15 Q. Well, what I am getting at, I
16 suggest you could not have been in that opening para-
17 graph, have been talking about the Cook baby.

18 A. I was talking about digitalis
19 and why it was locked up.

20 Q. I'm just talking about the "several
21 babes". You couldn't have been talking about the
22 Cook baby could you?

23 A. I said several babies.

24 Q. No, ma'am, because later on you
25 talk in terms of another arrest on the ward that night.

Now, if this document was created you



1
2 sure didn't know at 8:00 on that morning that Baby
3 Cook had died of digoxin poisoning, did you?

4 A. I did not know why the Cook baby
5 died.

6 Q. Well, ma'am, the question is,
7 "Several babes that have arrested apparently had
8 high digoxin levels; therefore, the concern."
9 You weren't talking about Baby Cook is my point.

10 A. I guess not --

11 Q. All right.

12 A. -- if that is what you feel.

13 Q. Well, no, ma'am, I want to know
14 what you feel, with respect.

15 A. I wrote "several babies". I
16 don't know whether I meant the Cook baby along
17 with it or not.

18 Q. Well, ma'am, how could you possibly
19 have known at 8:00 in the morning of Sunday, March
20 22nd, that Justin Cook had arrested and died as
21 a result of high digoxin levels? Can you tell me
22 how you would possibly know that?

23 A. I didn't know.

24 Q. All right. So then is it fair
25 to then assume that when you talked about "several
babes" Justin Cook was not one of them in that



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opening paragraph.

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A. I guess so.

4

Q. All right.

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Now let's take it one step further.

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You clearly have had difficulty even to the present
time recalling what you knew about Baby Estrella?

7

Is that correct?

8

A. That is right.

9

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Q. And I believe your evidence was
that you knew before her death that Baby Estrella had
an elevated digoxin level but you didn't know, and
you said it specifically in these proceedings, that
she died with a high digoxin level.

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A. I said that I knew she had had
an elevated dig. level a couple of days before she
died.

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Q. So do I take it then that when
you said, "Several babes that have arrested have
apparently had high digoxin levels", you weren't
referring to Baby Estrella.

20

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A. I don't know who I was referring
to.

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Q. Well, can you tell me -- the
word is "several babes". Is it not a fair assumption--
am I entitled to make the assumption that the two babies



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at least two babies that you were referring to had
to be Baby Miller and Baby Pacsai?

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A. I don't know who I was referring
to.

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Q. All right.

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Well, is it clear that at least you
knew from the previous shift being told about the high
digoxin level of Baby Pacsai and the fact that a
coroner was present or investigating -- you told us
that already.

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A. I had been told that on the
Friday night, yes.

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Q. That was one babe that you
knew about for certain?

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A. Yes.

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Q. Do I take it that you can't
tell me then who the other baby was that might have
arrested with apparently high digoxin levels?

8

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A. All I can say to you is that
I must have been told that apparently several babies
had high digoxin levels.

10

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Q. Then, Mrs. Johnstone, you came
on shift, and do I take it that Miss Coulson was
also working as a night supervisor that shift?

13

A. Yes.

14

15

16

Q. And I think your evidence is
you don't know whether Nurse Coulson was also given
information by Mrs. Ross?

17

A. I don't think I said that.
I said Mrs. Ross took me into a separate room.

18

19

20

Q. I know, but do you know whether
or not the other supervisor, Mrs. Coulson, Mary
Coulson also knew that information that night?

21

A. Her name is Kathy Coulson.

22

Q. I'm sorry, is it Kathy Coulson?

23

A. Yes.

24

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Q. That is my question, do you



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know whether or not she knew that that night?

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A. Knew what?

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Q. That this particular memorandum

had been given by Mrs. Ross, and the reason for the digoxin being put into a locked narcotic cupboard, and that there are supposed to be certain checks in relation to the utilization of digoxin.

A. I am sure that she was informed that the digoxin was going to be locked up, what exactly words were used, I don't know.

Q. Well now you have made it, do I take it that at some point in time during the course of that shift that you would have discussions from time to time with Kathy Coulson as the other night supervisor?

A. There was another night supervisor present also.

Q. Did you talk to Kathy Coulson that evening before the arrest of Justin Cook?

A. I told her that we should support what the nurses had been told on the evening shift by the supervisors when they were told to lock up the digoxin.

Q. Is that the only discussion that you had with Kathy Coulson before the arrest



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of Justin Cook?

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A. In regard to the digoxin, yes.

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I don't know if I spoke to her again before the
5 arrest.

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Q. Now, Mrs. Johnstone, Mr. Lamek

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and Mr. Brown both have asked you whether you knew at

8

that time about any police investigators being

9

involved in the hospital on that Saturday or that

10

Sunday morning?

A. That's right.

11

Q. And your answer was, as I

12

understand it, that the first time that you knew

13

about the police being involved was on the morning

14

of Friday, March 27th when you saw Sergeant Sangster,

15

is that correct?

A. That's right.

16

Q. And is there any question in

17

your mind at this time as to when in point of time

18

you first became aware of the presence of the

19

Homicide Squad investigating these babies deaths?

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A. No.

21

Q. You understand that Kathy

22

Coulson is to be the next witness before this

23

Commission?

A. I guess.

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Q. Have you spoken to Kathy Coulson about the evidence that either you are giving or she was going to give with respect to these Commission hearings?

A. I don't think so, no.

Q. And if Mrs. Coulson, as is reported at least to the police, testifies that both you and her knew that night, on Saturday, March 21st, that the Homicide Squad had been called into the investigation on that day, on Saturday, and that both of you stood in the hallway discussing the matter, would she be mistaken?

A. I don't think we stood in the hallway and discussed whether Homicide had been involved at the Hospital yet or not. I think we had a discussion about the Pacsai baby and the coroner being involved with that.

Q. Well if Mrs. Coulson says that she did stand in the hallway with you on that night, the night that Justin Cook died, and discussed the question of the Homicide Squad, and discussed individuals on the Trayner team, and that you speculated about one and that she speculated about another, is it your evidence that she would be mistaken?



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A. No.

Q. Is your answer no?

A. That's right.

Q. Then she is correct?

A. I spoke with Mrs. Coulson in the hallway with regard to the coroner being involved with the Pacsai baby, and she brought up the comments of "Do you think anybody could be doing anything to the babies?" And I said "No, that I didn't think anybody could do that." Then names were brought up.

Q. I don't want to get into the names, but in any event you say no discussion took place at that time about the police or the Homicide Squad investigating these baby deaths, is that your evidence?

A. I only remember talking about the coroner being involved in the Pacsai baby.

Q. In any event at that particular meeting, did you bring up the one name that you have brought up in the course of these proceedings about committing drug errors, Sui Scott, as being one of the persons that you speculated about?

A. I don't think so.

Q. Now in fairness to you, and it has been reported to me contrary to the information



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that I have received from the police, and this has been given by Mr. Lamek, that Kathy Coulson places that discussion about the Homicide Squad being involved, that discussion with you took place on the Tuesday night, that is to say when you came on shift on the night of the 24th of March.

A. I don't remember that, no.

Q. Do I take it then that if Kathy Coulson relates that, that you did talk about the Homicide Squad and you speculated as to the possible suspects and arrests that you have no recollection of that on that night the 24th, let alone the 21st?

A. I do not remember talking to Mrs. Coulson about the Homicide Squad.

Q. Do I take it that at no time then do you recall speaking to Kathy Coulson and specifically suggesting and her suggesting individuals who might be responsible for these baby deaths?

A. I am sorry?

Q. Do I take it that at no time prior to the arrest of Susan Nelles, do you recall speaking specifically to Kathy Coulson and talking in terms of the Homicide Squad and the likely culpability of one nurse over another nurse?



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A. I do not remember talking
about the Homicide Squad, no.

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Q. Well, let us take the second
part of it. Do you recall talking to her about
the likely culpability of one nurse over another
prior to the arrest of Susan Nelles on Wednesday,
March 25th.

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A. I don't remember having that
conversation, no.

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Q. Thank you. Now, Mrs. Johnstone,
carrying on, that particular evening, the night
that Baby Justin Cook died, I gather that after you
had made those observations about the unlocked
digoxin and the keys, do I take it that your best
recollection at this point is the fact that at some
point in time, certainly before Justin Cook died,
the digoxin was probably locked up in the narcotic
cupboard?

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A. I assumed that, yes.

Q. Do I take it from that you
never actually saw that being done on Ward 4A that
night prior to Justin Cook's arrest?

A. I have said that already.

Q. And even after the arrest
of Justin Cook and during the course of the rest of



1
2 the evening until you went off shift, did you ever
3 check whether the digoxin was in fact locked up?

4 A. I did not ask them again, no.

5 Q. I didn't say whether or not
6 you asked again, is it not a simple matter, did you
7 ever go over to the cupboard to see if the digoxin
8 was locked up?

9 A. I would have to have the keys
10 to see if the cupboard was locked with the digoxin
11 in it.

12 Q. Do I take it you could also
13 go to the unlocked portion of the medication room
14 and see if there was any digoxin there could you not
15 have?

16 A. I could do that, yes. That
17 doesn't necessarily mean it's locked up in the
18 cupboard.

19 Q. Where would it be if it is not
20 in the medication room in the unlocked portion, or
21 in the locked cupboard, where else would it be in
22 that whole ward?

23 A. I have no idea.

24 Q. Do I take it then you did not
25 go the medication room to see what in fact had been
done with the digoxin?



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A. No, I didn't.

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A. And Mrs. Christie.

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Q. Thank you. Now, I don't want to go into the specific matters that were talked about by other counsel. On one occasion prior to the death of Justin Cook you came to the nursing station and sat having coffee with a number of nurses that evening. Is it your recollection that the nurses with which you had coffee that you can recall were Bertha Bell and Susan Nelles?

Q. And Mrs. Christie. Those are the three others that you sat having coffee with in the back of the nursing station?

A. Those are the three people I can remember being there. I know that other nurses came and went but I can't tell you who they are.



BmB.jc
CC

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Q During the course of that - and
how long were you sitting there drinking coffee?

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A I'm not sure.

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Q And during the course of that
time period, knowing what you did know about the
escalating baby deaths and digoxin having been locked
up, was there any discussion about the escalating
baby deaths on that ward during that coffee break?

10

A No, I don't think so.

11

12

Q Did you talk about the fact
that there had been eight or nine baby deaths all on
that ward in the past two weeks?

13

A No, I didn't.

14

15

Q Did you talk about the forth-
coming coroner's investigation involving the death
of Baby Pacsai?

16

17

A I don't recall that, no.

18

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Q Did you talk about the changes
involving the utilization of digoxin and being treated
as a controlled drug on that ward and all over the
Hospital by reason of a specific order of the staff
doctor?

22

A No, I didn't.

23

24

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Q Did you discuss whether or not
the connection between the change in procedure involving



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digoxin and the escalating baby deaths with these
other nurses?

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A. No, I did not.

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Q. Well, can you tell me anything,
at least in your mind, which was more important at
that time involving your responsibilities as you
perceived them as a nursing supervisor on this ward
on the morning Justin Cook died?

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A. I'm not sure what you want.

Q. Well, I want to know, can you
tell me anything more important that was going on in
that Hospital than those matters I have just alluded to?

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A. I think all the children were
important matters.

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Q. Well, I would have thought that
you would be concerned about preventing the death of
further babies?

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A. I was, yes.

Q. Right. And I am asking you
again, it seems strange that if those were matters
that were important to you that it was never discussed
that evening prior to the death of Justin Cook?

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A. I didn't feel I should be
discussing something like that with the nursing staff.

Q. Well, it had crossed your mind,



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and it certainly crossed Mrs. Coulson's mind about something doing it, you didn't really want to think about that, that involved any of the nurses, isn't that true?

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A. I told the Commission that already that I could not accept the fact that someone was doing something deliberately to harm the babies.

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Q. Wouldn't it have been appropriate in these circumstances knowing that you were concerned about the increasing baby deaths, knowing that at least somebody thought digoxin might be involved, as your memorandum described, why wouldn't you start talking to the nurses sort of saying there must be some connection between the digoxin and these baby deaths so that if there was a perpetrator out there Justin Cook might very well have been saved?

16

17

A. I didn't feel it was my position to be talking to the nursing staff about that.

18

19

Q. All right. Well, who is going to talk to the nursing staff about that?

20

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A. Well, I think that is up to the people that are investigating.

22

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Q. No, no. You didn't know there was any investigators at that point, ma'am?

24

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A. No, I didn't, I'm just telling you now.



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Q Well, who did you think had the responsibility of talking to the nurses about that? You're the nursing supervisor.

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A I'm the nursing supervisor, yes, but I did not feel that I was at liberty to discuss those matters with the nursing staff.

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Q My question to you again, if you did not feel you were at liberty who did you perceive in the chain of command at the Hospital or in the nursing administration, or wherever, did you feel had the responsibility to discuss it with these nurses?

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A I think the people responsible for that ward.

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Q Well, who's that?

A The nursing administration should talk to them about it.

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Q But specifically who is that, I'm sorry?

A The head nurse.

21

22

Q The head nurse. And that would be Bertha Bell?

A No, she was the team leader.

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Q All right. Who do you say the head nurses were, to your knowledge?

A The head nurses of 4A and B?



CC.5

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Q. Yes.

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A. It was Mrs. Radojewski and Mary Costello.

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Q. All right. So, do I take it then you felt that that was not something you should discuss but you would rely upon Nurse Costello and Nurse Radojewski if they are going to discuss it, discuss it with the nurses?

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A. I felt with what I had been told in the evening that I was not at liberty to be discussing it with the nurses on the ward.

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Q. Well, who gave you that impression?

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A. Just from what I had been told I felt that I was not at liberty to discuss something like that with the nursing staff.

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Q. But what were you told that gave you the impression that you felt that you shouldn't discuss it with the nurses? I haven't heard anything and I want to know who told you and what did they tell you that gave you that impression?

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A. I'm sorry, but I don't know what you want to hear. All I can say is that the information I was given left me with the impression that I should not be discussing it with the nurses in the Hospital.



CC.6

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Q Well, maybe I'll help you, Mrs. Johnstone. Is the fact that Mrs. Ross took you into a closed room and told you that, was it from that that you assumed that therefore there was some secret around the Hospital and therefore you should not divulge that information? Was that it?

A I felt I was not at liberty to be discussing it with the nursing staff.

Q But what was it that gave you that impression?

A The information I had been given.

Q What information?

A Just the fact that the digoxin had been locked up, what they had told the nursing staff, I felt I had to support what had been told to them before I got there.

Q I'm sorry, Mrs. Johnstone, I'm trying to understand. But is that the only thing --

THE COMMISSIONER: I'm sorry, Mr. Lamek?

MR. PERCIVAL: I'm sorry.

MR. LAMEK: I understand my friend's concern, but with respect, does it greatly matter what gave Mrs. Johnstone that impression? She has said over and over again she had it, rightly or wrongly, it becomes a matter of argument whether she



CC.7

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should have thought differently.

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MR. PERCIVAL: I'm not trying to argue with the witness, all I am trying to do is find out what she felt and what was said and what was done that gave her that impression and I'll go on, Mr. Commissioner.

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THE COMMISSIONER: Yes, all right.

MR. ROLAND: Mr. Commissioner, the other thing that troubles me, Mr. Percival in this line of questioning seems to imply there is something wrong with not having talked to the nurses involved. All the evidence we have heard up to date is that the police didn't want their presence known as police officers investigating the matter.

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THE COMMISSIONER: Well, perhaps he is doing that and perhaps he is doubting the witness' testimony that she didn't discuss it, I don't know. But at any rate, he's moving on, are you not moving on to something else, Mr. Percival?

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MR. PERCIVAL: Yes, yes, Mr. Commissioner.

MR. ROLAND: She thought it wasn't to be discussed is highly consistent with what we have heard so far about the police approach.

MR. PERCIVAL: Well, I would have thought my friend was going to follow me, I'm sure



CC.8

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he'll cover that.

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THE COMMISSIONER: Yes, all right.

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A. She had been there for a bit
before I left, yes.

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Q. At any event, you went off 4A
and 4B and then you started back to 4A and 4B and
that's when you saw Nurse Trayner in the hallway?

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A. When I came back around 6:30, yes.

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Q. Yes. And up until that point
in time had you been made aware from any source that
Dr. Jedeikin and Dr. Fowler had taken 50 cc. blood
samples from Justin Cook after his death?

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A. No.

Q. So, do I take it the interchange
between you and Nurse Trayner was the imparting of
certain information to you to that extent and asking
you why would they do that?

A. Yes.

Q. All right. And that particular
interchange that you had with Nurse Trayner, it would



CC.9

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seem, if I look at Exhibit 357, that particular interchange and the 50 cc. blood sample was not told to the police until late October of 1982?

A. I'm not sure what Exhibit 357 is.

Q. That's your notes.

A. Okay.

Q. I'm sorry, 353, 357. 353, thank you.

Your notes, the last page I believe.

A. I see it there, yes.

Q. I'm sorry?

A. I see it there, yes.

Q. Do I take it the fact that you would make a note of it was something that then would you agree with me you told the officers at that time in October of '82 those observations?

A. Yes.

Q. Is there any reason that you had not mentioned it to the officers previously or at the preliminary hearing?

A. I did not remember the conversation.

Q. All right. Or was it a question that by that time Susan Nelles had been discharged and you suddenly thought of that information as



CC.10

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perhaps being helpful to the police in trying to
solve these murders?

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A. I felt when I remembered the
incident I should talk to the police about it and I did.

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Q. And was it in October of '82 you
first remembered the incident?

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A. Yes, I didn't remember it before
then.

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Q. All right. And when you were
told by Nurse Trayner that the 50 cc's had been taken
and you knew at that particular point, at least
according to your memorandum, that there had been
several babies arrested with high digoxin levels, you
had a pretty good idea why that sample had been taken,
didn't you?

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A. Yes.

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Q. All right. And you knew with
a combination of a number of things that had occurred
that night, including the start of the shift and
meeting her in the hallway there, that probably they
were taking a blood sample to see whether Justin Cook
had died of digoxin poisoning?

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A. I did not know they were going
to take blood for that specific purpose.

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Q. I understand, but you did think,



CC.11

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you put the assimilation together, did you not?

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A. After I was given the information,

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yes.

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Q. All right. Well, Mrs. Trayner

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was asking you for answers. Why didn't you at that

7

point say I think they are probably going to test

8

Justin Cook's blood for digoxin?

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A. I guess, I didn't feel I was

at liberty to discuss that.

10

Q. All right. Or impart information?

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A. I didn't feel I was at liberty

12

to discuss that with her.

13

Q. Now, Miss Johnstone, I gather

14

you carried on and spoke to somebody else in 4A and 4B

15

after you spoke with Nurse Trayner?

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A. I went up to the nurses' station,

yes.

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Q. And did you speak to Susan Nelles?

18

A. Yes, I did.

19

Q. Did you speak to any other nurse?

20

A. I think I asked Bertha how she

was also.

21

Q. All right. Well, do I take it

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that when you went there you were concerned about the

23

welfare of the nurses and how they were coping with

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CC.12

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this continued bad luck?

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A. I was concerned that there had been another arrest and that it was upsetting to everyone, yes.

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Q Well, did you go there with the specific purpose of trying to find out what their reaction had been to another baby death, the 10th baby death in two weeks?

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A. I went there to see how they were coping with it.

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Q All right. Did you make any inquiries at that point yourself as to the circumstances immediately preceding the arrest and death of Justin Cook?

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A. I'm not sure what you mean?

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Q Well, one of the things earlier we talked about was going to the ward more frequently to see if they had missed something. Did you continue your endeavours and try to find out whether the nurses had acted responsibly under those circumstances?

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A. I went back to the ward at 3 o'clock to see how all the children were and to have coffee with the nursing staff.

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Q No, I'm talking about now at 6 or 7 o'clock.



CC.13

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A. you didn't say that, I'm sorry,
I misunderstood you.

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Q. Well, I'm sorry, then we will
start again. We talked about 6 or 7 o'clock and then
talking with Nurse Trayner and then you carried on,
remember?

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A. Yes.

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Q. What I want to know is this. When
you went to the nursing station at that time, towards
the end of shift.

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A. Yes.

Q. Were you starting to make inquiries
as to the circumstances of the death of Justin Cook
and whether or not some steps that could have been
taken were not taken or that something had been missed?

A. No, I didn't, because I felt
they had been on top of the situation.

Q. All right. Did you hear any
comments made by Susan Nelles as to the number of
baby deaths that had occurred in the last two weeks?

A. Being here the other day when
you asked --

Q. I want to know whether you heard,
that's the question, that night or that morning?

A. I have to answer you this way.



CC.14

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Q. Fine.

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A. When I was here the other day and you asked Mrs. Bell the comment about "six out of seven ain't bad", that's the first recollection I had of that statement. I had heard that statement also but I didn't remember hearing it until you brought it up.

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Q. Well, let me then get back again. Do I take it that that triggered your recollection of something that you had heard that morning when you went back to the ward at 6 or 7 o'clock in the morning?

A. No, I had heard it before that.

Q. I'm sorry?

A. I had heard it before that.

Q. No, no, maybe I'm missing something. Are you saying that Susan Nelles had said that on an earlier occasion than after Justin Cook's death?

A. I had heard that from other nursing staff, yes.

THE COMMISSIONER: I don't think she has yet said Susan Nelles.

MR. PERCIVAL: I'm sorry. Well then, I'm wrong.

Q. Tell me then, whoever said it, when was it first said insofar as the deaths in



CC.15

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question are concerned in your presence? Maybe that's the better way to do it, Mr. Commissioner. Do you understand the question, Miss Johnstone?

5

A. Yes, I do. I'm thinking.

6

Q. Right.

7

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A. I can't remember who told me that she had said it but I did approach her and ask her if she had really said that.

9

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11

12

Q. All right. Well, do I take it then that was some time then prior to the death of Justin Cook because that was her last shift in the Hospital?

13

A. I think so.

14

15

Q. All right. And do you have any recollection of somebody having said that to you, was it before the death of Baby Cook?

16

17

18

A. I think so; I couldn't be positive.

19

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Q. Was it before the death of Baby Miller?

A. I can't say for sure.

Q. Was it before the death of Baby Pacsai?

A. I don't think so, no.

Q. Well, judging from the deaths that occurred starting with the deaths that occurred



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(Percival)

3785

CC.16

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on March 6th and ending with the death of Baby Cook
which was 9 or 10, do you agree with me that it had
to be some time then in the period March 6th through
to March 20th?

A. Yes.



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EMT/PS

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Q. All right.

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Someone having imparted that information to you, (you say you confronted Susan Nelles with that knowledge that she is reported to have said that), can you tell me the manner in which you discussed that further with Susan Nelles?

A. I asked her if she had said it and she said she had, and I said you really don't mean that, do you, and she said no.

Q. I beg your pardon?

A. She said no.

Q. Was that the question and was that the answer?

A. I think it was her way of responding to the stress.

Q. I am just asking you a question. Was that the question and was that the answer? I didn't ask you what you thought, Mrs. Johnstone. Was that as simple a conversation as you have related or did it go further than that?

A. No, it didn't go further than that.

Q. It didn't go further than that? Well, if she said it on that occasion and Bertha Bell has reported that she repeated it again after



Justin Cook, did you think anything of that, the fact that she would say it not on one occasion but two occasions?

A. I did not know that she had said it a second time.

Q. All right. In any event, you went off shift at 7:00 or 7:30 on the Sunday morning, and you left the memorandum for Mary Sword. Did she call you as you invited her to do in the memorandum if she had any questions?

A. No.

Q. Did you have any contact with the hospital or any person involving the hospital up until the time you ostensibly went to bed then on the Monday morning at 1:00 or 2:00 in the morning?

A. I didn't talk with anyone, no.

Q. All right. Then did you have any conversation with anyone involved in the hospital, whether any nurse or otherwise, until the time you went back into the hospital on Tuesday evening the 24th at about 11, 11:15 as your custom?

A. I did not speak with anyone, no.

Q. All right.

Well, Mrs. Johnstone, at some point in time prior to getting on to being the night



1
2 supervisor on the night of March 24th, didn't anybody
3 tell you about the radical changes that had occurred
4 on this ward with supervisors coming in as nurses,
5 where medication and digoxin being, quite apart from
6 being a controlled drug was being administered,
7 witnessed by everyone other than the nurses that
8 were working?

9 A. I did not speak with anyone until
10 I came to work on Tuesday night.

11 Q. Do I take it then that when you
12 walked in the door at 11:00 that is your first
13 indication of the further changes that had occurred
14 in hospital procedure?

15 A. That is right.

16 Q. Did you meet Nurse Coulson then?

17 A. We meet in the nursing office.

18 Q. All right. Was she the one that
19 told you about the changes that had occurred from
20 Sunday morning through to Tuesday night?

21 A. I think so.

22 Q. All right. And did she also, and
23 I gather your evidence is she didn't tell you about
24 any homicide squad at that point.

25 A. I don't recall her telling me
about that, no.



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3 Q. Did she tell you about the fact
4 that the Trayner team had been laid off on the night
5 of, the long night Sunday at 7:00 through to Monday
6 at 7:00 a.m.?

7 A. I knew that they had been asked
8 not to come in to work, but I can't tell you who told
9 me.

10 Q. All right.

11 In any event, when you found that out
12 that was the night of Tuesday, the 24th?

13 A. That is right.

14 Q. Well that night that you worked
15 with Kathy Coulson on March 24th through to March
16 25th, did you have any discussions with anyone includ-
17 ing Nurse Coulson as to what was going to be happening
18 in the hospital and the cause of the baby deaths?

19 A. I was assigned to stay on 4A/B
20 that night so I didn't talk with anyone in the nursing
21 office about it, no.

22 Q. Did you talk to --

23 A. I can't recall.

24 Q. Did you talk to Anne Evans?

25 A. She wouldn't be there at 11:00 at
night.

Q. Whether she is there or not, I



1
2 gather you have got a phone. I want to know whether
3 or not you talked to her.

4 A. I had no reason to call her.

5 Q. Did anybody communicate to you the
6 fact that the police officers were intending to inter-
7 view the members of the nursing team the next morning?

8 A. I heard nothing about it, no.

9 Q. Do I take it then that notwith-
10 standing all of the information that you have told
11 us and the developments that had occurred you really
12 had a discussion with no person aside from perhaps
13 Kathy Coulson about these events during the course
14 of the 8 hour shift that you worked on March 24th
15 through to March 25th.

16 A. I think that probably the nurses
17 on 4A/B asked me why they had been asked not to come
18 in, but I could not give them an answer because I
19 didn't know myself. I had been told it was due to the
20 amount of stress that they had been under.

21 Q. I don't understand. What nurses
22 were there on 4A/4B that would ask you that if they
23 weren't supposed to be working? Did someone come in
24 that night and make inquiries?

25 A. The people that were assigned
to be on duty are the people I am talking about.



1
2 Q. But did you get a phone call that
3 night from Nurse Trayner or from Nurse Nelles?

4 A. No, I didn't.

5 Q. Then I misunderstood your previous
6 answer.

7 THE COMMISSIONER: I think it is a
8 pronoun problem. The nurses, as I understood it,
9 the nurses who were then on 4A/4B asked why the
10 former nurses of 4A were not.

11 MR. PERCIVAL: I understand. Thank you,
12 I apologize, Miss Johnstone.

13 Q. The people that were questioning
14 you were the nurses that were then working?

15 A. Yes.

16 Q. They were inquiring from you as
17 to why the Trayner team weren't working.

18 A. Yes.

19 Q. And at that point did you have
20 any greater feelings about the connection between the
21 Trayner team, the digoxin being locked up, the new
22 developments in the hospital and the escalating baby
23 deaths?

24 A. I am sorry but --

25 Q. You were very clear to Mr. Lamek
about the fact that you --



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2 A. I just didn't understand your
3 question; I'm sorry.

4 Q. I am talking about the Tuesday
5 night before the arrest of Susan Nelles. Were you
6 starting to have that sinking feeling in your stomach
7 that something more than the horrible thought that
8 you had previously discarded was in fact something
9 that you must now realistically consider? That
10 is to say, that a nurse was involved with digoxin
overdose?

11 A. I didn't know who was involved.

12 Q. No, no, but did you suspect or
13 have any feelings at that time, ma'am?

14 A. I think that Saturday night when
15 I was given the information I was, I started having
16 those feelings, yes.

17 Q. Well, did the increasing
18 events that you have described, did that give you
much more of a concern?

19 A. I was not informed of the events
20 that had transpired on Sunday and Monday until I
21 worked on Tuesday night, so I didn't know until that
time.

22 Q. But that's my point. On
23 Tuesday night, the 24th, and the morning hours of the
24
25



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2 25th, before any arrest had taken place, did you then
3 start to have the hard belief that there was a
4 connection between the Trayner team, the digoxin over-
5 dose and the escalating baby deaths?

6 A. I don't think I can say that.

7 Q. You can't?

8 So do I take it then you went home
9 at 7:00 in the morning and at some point in time
10 you learned by the news media that Susan Nelles
11 had been arrested on the charge of murder of Justin
Cook?

12 A. Yes, that is how I found out.

13 Q. You have told some of my friends
14 that after that arrest took place that you never
15 spoke to her again except perhaps nodding to her
at the preliminary hearing.

16 A. That is right.

17 Q. However, you did speak to Phyllis
18 Trayner.

19 A. Yes.

20 Q. Right. She was off work after the
21 arrest of Susan Nelles for about a week and then
22 returned to work and continued to work on Wards 4A and
4B.

23 A. Yes.
24
25



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2 Q. And you continued to be night
3 supervisor?

4 A. Yes.

5 Q. And you made a comment that I was
6 interested in, but you said that she seemed as the
7 months went on to be preoccupied with the police
8 investigation.

9 A. I didn't say that.

10 Q. All right. Perhaps you can assist
11 me then. What is your recollection --

12 A. Of what I said?

13 Q. Yes.

14 A. I said that whenever I talked to
15 her she seemed to be preoccupied with the arrests
16 on the ward and needed to be talking about them all
17 the time and needed reassurance.

18 Q. Well --

19 THE COMMISSIONER: This was after --
20 we are now talking about the period after the arrest
21 of Susan Nelles, are we?

22 MR. PERCIVAL: Q. You see, I had taken
23 that down and you said, "And the police investiga-
24 tion", and perhaps you didn't mean that.

25 Did she talk about the police
investigation?



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A. Yes, she did.

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Q. All right. Well, did she seem
preoccupied with that?

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A. I would think so, yes.

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Q. And --

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MR. TOBIAS: I didn't hear the answer.

8

MR. PERCIVAL: I would think so.

9

MR. TOBIAS: Yes. Thank you.

10

MR. PERCIVAL: Q. Now at that point
in time both you and everyone else in the Metropolitan
Toronto area knew that Susan Nelles had been charged
with four baby deaths and you knew specifically
their names: Estrella, Pacsai, Miller and Cook.

11

12

13

A. Yes.

14

Q. Is that right?

15

A. Yes.

16

Q. Did you talk to Phyllis Trayner
about her participation involving the deaths of those
babies?

17

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A. All I said was I reassured her
that they had done as much as they could.

19

20

Q. Right. Was she seeking reassurance
at that point from you?

21

22

A. She was always needing to be
talking about it.

23

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11 1
2 Q. Well, was she talking about the
3 36 baby deaths or talking about the 4 to which the
4 charges had been laid against Susan Nelles?

5 A. I think the 4.

6 Q. The 4. All right. Did she
7 express to you, Phyllis Trayner, any opinions as to
8 the guilt or innocence of Susan Nelles on these
9 charges during the course of the time period up until
10 the time of the preliminary hearing?

11 MR. BROWN: Well, sir, I don't fear the
12 answer but I object to this sort of question because
13 I think if anyone is going to express an opinion as
14 to the guilt or innocence of any party, the foundation--

15 THE COMMISSIONER: It is the other
16 aspect of this matter, though. It is the police
17 investigation. That may have some --

18 MR. BROWN: Well, I mean for a police
19 investigation we can get around anything. I think there
20 has to be a foundation for opinion. If Mrs. Trayner
21 had an opinion we can ask Mrs. Trayner whether she
22 did and then we can ask her what was your foundation
23 and what was your opinion.

24 MR. PERCIVAL: The difficulty with that
25 is, Mr. Commissioner, that this witness is long gone.

THE COMMISSIONER: Yes. Well, I am



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2 forced into allowing those kinds of questions, but
3 I very strongly bear in mind it has absolutely nothing
4 to do with the cause of death.

5 MR. PERCIVAL: Mr. Commissioner, quite.
6 The point of the matter would seem to me is her
7 attitude following the arrest of Susan Nelles and
8 prior to the preliminary hearing, and her possible
9 involvement whether she expressed an opinion or not.

10 I wasn't going to ask the next question,
11 "What was it". I want to know whether she expressed
12 an opinion.

13 THE COMMISSIONER: Well, I am allowing
14 it, as I say, because I think it is relevant to the
15 police investigation.

16 MR. PERCIVAL: Thank you.

17 THE COMMISSIONER: I do not consider
18 it relevant or even helpful insofar as the cause of
19 death is concerned.

20 MR. BROWN: Perhaps, sir, Mr. Percival,
21 with all due respect, would advise me how it is
22 relevant to the police investigation.

23 THE COMMISSIONER: Well, if there were
24 an expression advanced -- I don't want to make it
25 too obvious because the witness is here -- but if an
expression were advanced as to, for instance, that



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2 she was not -- that she thought she was not and
3 gave some reasons for it, then it might well be some-
4 thing that the police would like to have heard, that's
5 all.

6 MR. BROWN: It may well have been,
7 sir, but why shouldn't that be brought out through
8 Mrs. Trayner's evidence?

9 THE COMMISSIONER: I'm sorry, why wasn't?

10 MR. BROWN: Why should that not be
11 brought out through Mrs. Trayner?

12 THE COMMISSIONER: Well, this witness
13 will not be here.

14 MR. BROWN: The significance of the
15 opinion is, Mr. Commissioner, did Mrs. Trayner have
16 an opinion at a particular point in time as to
17 a person's guilt. Now, if she communicated that to
18 someone else that is fine, but that doesn't assist
19 us in establishing the foundations of that opinion.

20 THE COMMISSIONER: Do you mind, before
21 we do anything -- what was your answer going to be?
22 Without mentioning any names, did Mrs. Trayner advance
23 any opinion to you as to whether or not Susan Nelles
24 was guilty or not guilty of the offences with which
25 she was charged? I just want yes or no.

THE WITNESS: Yes.



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THE COMMISSIONER: She did?

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THE WITNESS: Yes.

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THE COMMISSIONER: Well, I can't get
out of it that way.

5

6

Yes, all right, Ms. Forster?

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MS. FORSTER: Sir, I can understand
that it is relevant to Phase 2 to find out whether
or not opinions were expressed and whether or
not they were communicated to the police. My
concern is if there is no basis for an opinion I
don't think what the opinion actually is is of any
assistance to you in Phase 2.

12

13

THE COMMISSIONER: Well, if --

14

MR. PERCIVAL: I don't think either
of my friends want to hear the further question so
I am not going to put it.

15

16

THE COMMISSIONER: Well, that certainly
helps us a lot.

17

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19

MR. PERCIVAL: It is rather intriguing
and we will hear it from another witness. If that
other witness gives evidence.

20

21

THE COMMISSIONER: Yes, all right.

22

23

MR. PERCIVAL: Q. Now, Mrs. Johnstone,
do I take it that the discussions that you
continued to have with Nurse Trayner were distressful

24

25



1
2 to you because you felt that you could not deal with
3 those discussions?

4 A. No.

5 Q. I beg your pardon?

6 A. No.

7 Q. Well, ma'am, at 3502 the question
8 is, and the answer is this --

9 MR. TOBIAS: What page?

10 MR. PERCIVAL: By Mr. Lamek, 3502:

11 "Is there any particular reason --"

12 MS. KITELY: Excuse me, Mr. Percival.

13 At the risk of cutting you off after you have read
14 the passage, the witness has the passage in front
15 of her and can refer to it herself.

16 THE COMMISSIONER: Yes, all right.

17 MR. PERCIVAL: Q. Question by Mr.
18 Lamek on Valentine's Day, February 14th, is this:

19 "Q. Is there any particular reason for
20 not having seen her since the beginning
21 of 1982?

22 A. I just felt that I found it very
23 distressful that her conversation would
24 always center around the amount of deaths
25 and she would make comments about the
police investigation and I just felt



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I personally could not deal with that
any more and it would be better if I
just didn't see her any more".

What did you mean by that?

A. I just felt that I could not
discuss it with Phyllis any more. I felt I had given
her as much support as I could and I just couldn't
and did not.

Q. You felt it distressful. Did you
feel uncomfortable talking about the four baby deaths
and the fact that Susan Nelles was charged?



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A. I found it uncomfortable the fact that she always had to be talking about the deaths.

Q. Do I take it then the reason that you felt uncomfortable is you would rather put those nine months behind you?

A. No.

Q. In any event, Mrs. Johnstone, when the arrest of Susan Nelles occurred, the high incidents of arrests and Code 25's stopped, didn't they?

A. Yes.

MR. PERCIVAL: Thank you. I have no further questions.

THE COMMISSIONER: Thank you, Mr. Percival. Mr. Roland, do you want to go now?

MR. ROLAND: I'm going to be a little longer than 6 minutes but I am prepared to start.

THE COMMISSIONER: All right.

CROSS-EXAMINATION BY MR. ROLAND:

Q. First of all Mrs. Johnstone, you told us that you didn't talk to any of the nurses on Saturday night, Sunday morning about what you had heard from Mrs. Ross, and you felt that that was



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something you were not supposed to talk to them about?

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A. That's right.

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Q. And you got the sense that you were not supposed to talk to them about what you had heard from Mrs. Ross I take it from Mrs. Ross herself?

9

A. That's right.

10

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12

Q. And is it fair to say that the sense you got from her was that no one was supposed to know about the suspicion that there is something odd going on on Ward 4A/4B?

13

A. That's right.

14

15

Q. And that was communicated to you, that sense was communicated to you by Mrs. Ross?

16

A. Yes.

17

18

Q. And it was for that reason I take it that you didn't talk to any of the nurses about your suspicions?

19

20

A. I didn't feel I was at liberty to discuss it.

21

22

23

Q. Now, let me ask you again about your trip to 4A and 4B on that morning, that Sunday morning I think you said about 12:30 in the morning.

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A. When I first went to the ward?



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Q. Yes, the time you went up and found one bottle of digoxin exilir was on the counter, was that 12:30 in the morning, approximately?

A. Yes.

Q. And did you see Dr. Costigan at all?

A. I didn't see him that night, no.

Q. Did you see Dr. Mounstephen?

A. I don't recall seeing him either.

Q. Had you heard from anybody, either Phyllis Trayner, or Susan Nelles or anybody that either Dr. Costigan or Dr. Mounstephen or the two of them had been on the ward?

A. No, I didn't.

Q. Did you understand when you got to the ward and you had your conversation with Phyllis Trayner about the digoxin and digoxin exilir bottle, that you say that they were already aware that the digoxin was to be locked up?

A. Yes.

Q. And was it your understanding that all the digoxin was to be locked up, or was it just the parenteral digoxin?



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A. I was under the impression
that all the digoxin was to be locked up.

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Q. And did you receive that
understanding from Mrs. Ross as well?

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A. Yes.

7

8

Q. And we have her memo, I take
it she gave you the memo, did she?

9

A. Yes.

10

Q. And the memo says:

11

"All oral digitalis preparations should
be treated as a controlled drug and
locked in the narcotic cabinet."

12

13

That is Exhibit 357.

14

A. Yes, I have it.

15

16

Q. I take it your understanding
was it was to be all digoxin?

17

A. Yes.

18

19

Q. And when you were on the ward
at about 12:30, you say you saw the bottle of
elixir on the counter, did you see any other digoxin?

20

21

A. No, I just remember seeing
the bottle of digoxin there, the exilir.

22

23

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Q. And could you determine, or
did you determine from Mrs. Trayner where the other
digoxin was, whether it had been locked up by that



1
2 stage or not?

3 A. I didn't ask her that
4 particular question. I asked her, I said to her
5 I thought that the digoxin was to be locked up and
6 I asked her why that wasn't, why that bottle wasn't
7 locked up.

8 Q. What was your impression from
9 her, was it that none of it had been locked up,
10 or there was just that one bottle out on the counter
11 and the rest had been locked up?

12 A. She just said that she knew
13 that it was to be locked up.

14 Q. Yes.

15 A. That she didn't have the keys,
16 that Susan had the keys.

17 Q. We know from previous evidence
18 from Dr. Costigan, that he says that he and
19 Dr. Mounstephen went around to all the wards,
20 including Ward 4A and 4B and instructed the team
21 leaders, Dr. Costigan said in particular with respect
22 to Ward 4A, Phyllis Trayner, to lock up the digoxin
23 and he did an inventory and we have had that put in
24 as an exhibit, and all that occurred between 10:30
25 and 12:30. We also have in this memo that you have
put in from Mrs. Ross that she and D. Woodey or



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Woolley.

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A. Woolley.

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Q. Also went around and notified
the nurses on the ward that the digoxin, at least
the oral digoxin was to be locked up.

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A. Yes.

8

Q. And that presumably occurred
before your trip to the ward at 12:30?

9

10

A. Yes, I was left with that
impression.

11

12

Q. What is your best recollection
about the source of Mrs. Trayner's information
about the digoxin being locked up? Was it from
either of those two nurses, or was it from Dr. Costigan
or Mounstephen or do you have any recollection about
how she learned it was to be locked up?

13

14

15

16

A. I don't think she told me who.

17

Q. I'm sorry?

18

A. I don't think she told me
who had told her I can't remember.

19

20

Q. In any event you understand
it was to be all the digoxin and that would include
any ampules of digoxin as well, that was to be
locked up?

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A. That is what I understood.

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MR. ROLAND: Do you want to take the
break here, sir?

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THE COMMISSIONER: Yes, all right,
we will take 20 minutes then.

6

---Short recess.

7

---Upon resuming.

8

THE COMMISSIONER: Yes, Miss Kitley?

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11

12

MS. KITELY: Mr. Commissioner, I
have spoken to my friend Mr. Lamek and Mr. Roland
and Mr. Young, and I would ask your indulgence for
a moment in order to put a couple of questions to
this witness.

13

THE COMMISSIONER: Yes, all right.

14

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16

MS. KITELY: I appreciate that I am
out of order and I am out of my order of witnesses
as it were.

17

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THE COMMISSIONER: Well, it is
certainly all right with me, you know you will come
back of course.

19

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21

MS. KITELY: I do, sir, but I
suggest this is something which needs to be cleared
up straight away.

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THE COMMISSIONER: Yes, all right.

23

FURTHER EXAMINATION BY MS. KITELY:

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Q. Before we took the break,

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Mrs. Johnstone, Mr. Percival asked you the following question:

"Have you spoken to Kathy Coulson about the evidence you were giving or that she was going to give with respect to these hearings?"

And your answer to that question was:

"I don't think so."

Is that in fact the case?

A. No.

Q. When did you speak with Miss Coulson?

A. I spoke with her Sunday at your office.

Q. This past Sunday?

A. Yes.

MS. KITLEY: That is all the questions I wish to deal with, sir.

THE COMMISSIONER: Yes, all right, thank you.

MR. YOUNG: Mr. Commissioner.

THE COMMISSIONER: Yes?

MR. YOUNG: I'm not at all sure that we will have any questions, but it is conceivable that tomorrow morning we may want to put a few



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3 questions based on this new answer from the witness.
4 and I ask your indulgence to allow us to re-examine
5 at that time.

6 THE COMMISSIONER: Yes.

7 MR. YOUNG: Thank you, sir.

8 THE COMMISSIONER: Yes, Mr. Roland.

9 CROSS-EXAMINATION BY MR. ROLAND: (Continued)

10 Q. Mrs. Johnstone, just one other
11 area I would like to deal with, and that has to do
12 with your thought, I think you said it was in October
13 or September of 1980, that because of the stress
14 that the nurses were experiencing as a result of
15 the deaths that were occurring on Wards 4A and B
16 that it occurred to you they might like some
17 psychiatric counselling, and that you spoke to the
18 nurses, and in particular you had a conversation
19 with Liz Radojewski about that time?

20 A. Yes.

21 Q. And that she thanked you for
22 your concern but felt that the nurses, as I under-
23 stood your answer, the nurses were being provided
24 with enough support from her Liz Radojewski and
25 Mary Costello, is that what you meant?

A. Yes, at that particular time
she felt they were trying to support them as much as



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they could.

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Q. And so at least at that stage

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Liz Radojewski was I gather telling you that in her

5

view they didn't need psychiatric counselling, that

6

enough support, although not professional psychiatric

7

support, but enough support was being given by

8

Liz Radojewski and Mary Costello to the nurses.

9

A. I think she felt they were

10

doing the best that they could at that particular
time, yes.

11

Q. And isn't it fair to say she

12

was politely declining your offer of psychiatric

13

counselling.

14

A. I guess.

15

Q. That is how you took it I

16

gather?

17

A. Yes. I think she had probably

18

considered it herself too.

19

Q. Yes.

20

A. And at that particular time

21

they felt they were being supported enough. I just

22

said I felt that an objective person might be of
more use.

23

Q. But it was Liz Radojewski's

24

view at least at that stage that there was enough

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support being provided by her and Mary Costello?

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A. Yes.

4

Q. And I gather from the answers

5

that you have given over the course of the last

6

couple of days, that at least in your view the

7

stress that the nurses were experiencing on 4A,

8

particularly the Trayner team, was not to the extent

9

that it was affecting their performance as nurses?

10

A. No.

11

Q. You didn't I gather yourself

12

have any sense that they were not performing as they

13

should as nurses because of the stress they were

14

experiencing.

15

A. No, I did not, I thought they

were doing the best job that they could.

16

Q. If you thought that the stress

17

was affecting their performance would you have

18

done something in order to rectify the situation?

19

A. Yes.

20

MR. ROLAND: Thank you. Those are
all the questions I have, Mr. Commissioner.

21

THE COMMISSIONER: Thank you,

22

Mr. Roland. Mr. Ortved?

23

MR. ORTVED: I have no questions.

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THE COMMISSIONER: Miss Jackman?

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MS. JACKMAN: I have no questions.

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THE COMMISSIONER: Mr. Rosenberg?

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MR. ROSENBERG: Thank you.

5

CROSS-EXAMINATION BY MR. ROSENBERG:

6

Q. Mrs. Johnstone, you were good enough to speak to me last night about Mrs. Scott and the reference to medication errors, that you made in your testimony yesterday.

9

A. Yes.

10

Q. And I want to just ask you a few questions about that.

12

A. Okay.

13

Q. First of all you told me that this was a matter that was brought to your attention by Mrs. Trayner.

15

A. Yes.

16

Q. In the period we are talking about I take it is near the beginning, that is early July, a time like that.

18

19

A. When Sui first came on staff, yes, I don't know the exact date.

20

21

Q. I'm sorry?

22

A. I don't know the exact date.

23

Q. And from what you told Mr. Lamek and in our discussion last night, I take

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it that these were calculation errors?

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A. Yes.

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Q. And I understand from talking to you last night and from previous testimony, that nurses are permitted to give certain medication without checking the dosage with someone else?

8

A. Yes.

9

10

Q. And that would be things like the antibiotics?

11

A. Right.

12

Q. You also indicated that when Sui Scott first started on the ward she was nervous?

13

A. Yes.

14

15

Q. About working with the young patients.

16

A. Yes, I think so.

17

18

Q. And I also understand from the evidence that digoxin was a drug that had to be checked with another RN, is that right?

19

A. Yes.

20

21

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23

Q. Did you have, from what you know about Mrs. Scott, did you have any concern that she would be giving digoxin before she would check it with another RN?

24

A. No, I did not.

25



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3 MR. ROSENBERG: All right, thank you
4 very much.

5 THE COMMISSIONER: Mr. Olah.

6 MR. OLAH: Mr. Commissssioner,
7 Mr. Labow has kindly enough agree to precede me
8 on this occasion. Thank you.

9 THE COMMISSIONER: Oh, all right.

10 CROSS-EXAMINATION BY MR. LABOW:

11 Q. Mrs. Johnstone, my name is
12 Labow and we represent the parents of six of the
13 children who died. Now, you have told us about the
14 tour end reports; could you tell me who filled out
15 tour end reports?

16 A. The head nurse filled out the
17 portion from 7:00 until 3:00, and then the evening
18 supervisors added information between 3:00 to 11:00,
19 and then the night supervisor would add any
20 information, or any changes, from 11:00 to 7:00 in
21 the morning.

22 Q. Is that every evening supervisor
23 and every night supervisor did their own tour end
24 for their area?

25 A. Added information on that
same piece of paper, yes.

Q. Now what exactly appeared on



1
2 your average tour end report.

3 A. The sickest children; the
4 children that could possibly be on constant or
5 shared nursing care; new admissions; transfers up to
6 the ward from the Intensive Care Unit.

7 Q. Were there any instructions
8 of any kind about the sickest children, or anything
9 to that effect?

10 A. Just their condition during
11 that eight-hour period of time.

12 Q. Now, what happened to these
13 reports?

14 A. They were passed on like from
15 the day people to the evening supervisors and they
16 would come down to the night supervisors. In the
17 morning I passed on the tour end reports that I had
18 from my wards to the area co-ordinator of the area
19 that I covered.

20 Q. Do you know what happened to
21 them once they went to the area co-ordinator?

22 A. I left them with Mrs. Pyykkonen
23 and I am not sure what she did with them, whether
24 they were given back to the head nurse or whether
25 they were saved by her or just what procedure was
followed.



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3 Q. Do you know if they are kept
4 on an on-going basis or are they disposed of?

5 A. I think they are kept for a
6 period of time. I don't know what period, you know,
7 for how long, whether it is a year, or two years,
8 or six months or what.

9 MR. LAMEK: Mr. Commissioner,
10 excuse me for interrupting my friend. If he is going
11 where I think he is going, perhaps I could say at this
12 point that I have spoken to Ms. Thomson about this,
13 the tour end reports I understand are available and
14 indeed I have seen a couple of them. The reason
15 they have not been introduced is because it did not
16 seem to me at this stage to be necessary. Frankly,
17 if they are to be introduced they require a great
18 deal of editing and expurgation because of course
19 they list all sorts of children with whose deaths
20 and conditions we are not here concerned. I am
21 reluctant to undertake that expurgation task unless
22 it be absolutely necessary to introduce at this
23 time. If my friend is heading where I suspect he is
24 towards asking for them.

25 THE COMMISSIONER: What is it in
the tour end reports that you would like?

MR. LABOW: Well, I would like to



1
2 know at the very least with regard to the six
3 children that we represent, if they appeared on the
4 tour end report and what kind of comments were made;
5 whether they were considered the sickest children on
6 the ward or not.

7 THE COMMISSIONER: I wonder if it
8 wouldn't be possible - or does this offend my
9 colleague Krever if they looked at these tour end
10 reports, would they all find themselves in jail?

11 MR. ROLAND: That is the problem,
12 and a serious problem for the Hospital, I don't
13 think we can permit that.
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THE COMMISSIONER: No, I don't think
so, don't look at me now.

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MR. LAMEK: There is an answer of
course and that is for Mr. Roland to have somebody
review the tour end reports for the nights of each
of those deaths and advise us whether the children
with whom we are concerned appeared on those reports
on the last night of their lives.

THE COMMISSIONER: Or if they didn't
appear at all.

MR. LABOW: That would be satisfactory
for me, Mr. Commissioner.

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THE COMMISSIONER: If somebody could
do just those ones, I take it just the number -- you
don't look very happy about that.

MR. LAMEK: And Miss Thomson looks
even less happy.

MR. ROLAND: Miss Thomson looks the
least happiest about it.

THE COMMISSIONER: Well, no, just to
go through, just to see if the names of any of Mr.
Labow's clients or any of the other children whose
parents are represented here appear on any of them.

MR. ROLAND: Miss Thomson has little
to do on the weekend anyway.



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MR. LABOW: I don't believe that,
Mr. Commissioner.

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THE COMMISSIONER: Well, I don't
think we necessarily have to spoil this weekend.

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MR. TOBIAS: I take it the request
at this point covers all the children whose parents
are represented here and not just the clients of
Mr. Labow?

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THE COMMISSIONER: Yes, yes. And if
the names don't appear on any of them then you can
assume or at least you can make whatever you can of
the fact that they never appeared.

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MR. LABOW: Thank you very much,
Mr. Commissioner.

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MR. ROLAND: Mr. Commissioner, do I
understand it is all the children or just Mr. Labow's
children?

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THE COMMISSIONER: No, not all the
children, all the children whose parents are
represented here, that means four others.

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MR. LAMEK: Since someone else is
undertaking this task, Mr. Commissioner, perhaps I
could suggest that it be done for all of the
Category A and B children because that, with
respect, may go to the question of whether the deaths



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were expected or not. If they were considered as at eleven o'clock at night not to be sufficiently ill to be on the tour end report, that may be of some assistance to you.

THE COMMISSIONER: Well, I would have to go farther than that because I don't feel bound by Category A or B.

MR. LAMEK: Well, indeed, all 36 of them.

THE COMMISSIONER: That would be even more helpful.

I am sorry about this, Miss Thomson. We will all send you a box of chocolates for that.

Yes, all right.

MR. LABOW: Q. Now, you commented the other day when you were discussing Mrs. Trayner as a team leader that some people had expressed their frustrations with Mrs. Trayner to you.

A. Yes.

Q. Who had expressed their frustrations with Mrs. Trayner to you?

A. Do you want names of every specific nurse?

Q. Well, did all the nurses on her team express their frustrations?



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A. It wasn't just her team, there were other nurses on both wards that expressed their concerns.

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Q. Did most of the nurses on 4A and B express their frustrations with Mrs. Trayner?

7

A. I wouldn't say most.

8

Q. Now, were these frustrations with her as a team leader?

9

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A. With regard to her aggressiveness and they felt at times she was a bit short with patients, meaning the nursing staff that were new to the ward and their frustrations and helping them cope with what was going on.

14

15

Q. Now, were these frustrations brought to your attention soon after she became a team leader on 4A?

16

A. I can't tell you for sure.

17

18

Q. Do you recall if it wasn't until the fall?

19

20

A. I think it was late summer, early fall.

21

22

Q. Now, you have told us that you did not attend the meeting at Nurse Radojewski's house.

23

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A. No.



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Q. And you weren't invited?

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A. No, I wasn't.

4

Q. Had you previously been
invited to nurses' meetings outside the Hospital?

5

A. I had been; yes, I had been.

6

7

Q. Well, were you generally
invited to meetings of that sort where both teams
were getting together?

8

9

A. No, it was just sort of a
social evening, I went to their Christmas party and
I think we went for dinner one evening at Mrs.
Radojewski's house.

10

11

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Q. When you were the person in
charge of Wards 4A and B did you generally read the
meeting books and communications books that were
kept on the ward?

14

15

16

A. I read them periodically.

17

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Q. Did you know if meetings had
taken place, were you concerned about other meetings
that had taken place, for example?

19

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A. I'm not sure what you mean.

21

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Q. Well, if there had been a
meeting, would you know about it by reading the
books?

23

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A. Do you mean a meeting just



1
FF6 2 amongst the nurses?

3 Q. Yes.

4 A. Or anything concerning the
5 ward itself?

6 Q. There are instances in the
7 communications books where after a meeting had
8 taken place at a nurse's house that meeting or the
9 notes about that meeting would be recorded.

10 A. I read some of the communica-
11 tions books but I didn't read them every day. I
12 didn't read them on a regular basis, I read the
13 Minutes of the mortality rounds because the girls
14 told me that that was in the communications books,
15 I read that and I have read them periodically.

16 Q. You have told us I think that
17 some time in the fall Miss Coulson did discuss
18 with you this question about whether someone was
19 doing something to the babies on the ward.

20 A. I can remember vaguely having
21 a conversation, yes, but I can't tell you exactly
22 what it was.

23 Q. Now, you told us it was
24 some time after you had gotten back from one of
25 your vacations.

26 A. Yes.



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Q. Now, I note in Exhibit 350
you were away at the end of October and the end of
November.

A. Is that the list of names?

Q. These are the lists of names.
Do you have any idea whether it was after the
October vacation or after the November vacation?

A. I can't say for sure. I think
it was after there had been six or seven arrests
while I was off.

Q. But you are not sure which
one?

A. No, I am not.

Q. Now, we have heard a lot
about --

THE COMMISSIONER: Wouldn't that have
to be the one in July?

THE WITNESS: Probably it was but I
can't say for sure.

THE COMMISSIONER: Because the other
times --

MR. LABOW: There were very few
through the fall.

THE COMMISSIONER: There were only
about five days each time, yes, four or five days.



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There aren't that many in July either, the 28th of July to the 3rd of August, is that when you were on holiday?

THE WITNESS: Yes.

THE COMMISSIONER: That doesn't seem like much of a holiday.

THE WITNESS: It's nice to break it up every once in a while to have something to fall back on.

THE COMMISSIONER: I see, all right. Because that's the one where I think there were the greatest number.

MR. LABOW: Q. Could it have been as early as July/August when this kind of discussion took place?

A. It could have been in August.

Q. Now, we have heard a lot about the Inderal that was taped to Justin Cook's bed.

A. Yes.

Q. And you indicated it was unusual for a nurse to accept responsibility for a medication drawn up by another nurse.

A. Yes.

Q. In this kind of unusual



FF9 2

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2 situation where a specific medication was kept at
3 the child's bed, would the nurse who came on the
4 next shift normally go and re-draw up the medication
5 to ensure that it was the right medication?

6 A. That would be good nursing
7 practice.

8 Q. Do you know if that was
9 something that would be done normally in this kind
10 of situation?

11 A. I would hope so.

12 Q. Now, the night that the
13 digoxin was ordered locked up, do you know why
14 Susan Nelles had the key to the narcotics cupboard?

15 A. I don't know why other than
16 what was read to me.

17 Q. Would it be standard for
18 a nurse on constant nursing care to have that key?

19 A. It could be, they could have
20 been handed to her while someone was going off the
21 ward to have their break, like, to pick up something
22 to eat or something like that and then just not
23 picked up as soon as the person came back to the
24 ward.

25 Q. Did you ask why Nurse Nelles
had the key?



FF10

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A. No.

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Q. No. Now, you mentioned that

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the decision to break up the team would have been
partially yours.

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A. No.

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Q. No?

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A. That's not my decision to

8

make.

9

Q. Would you have any input into

10

that kind of a decision?

11

A. I guess the Head Nurse could

12

approach me but, you know, it is her ward and she

13

has hired the staff and that is her decision to make.

14

Q. Would the Head Nurse generally

make this kind of a decision on her own?

15

A. I think that is the Head

16

Nurse's responsibility.

17

Q. Now, you indicated that you

18

did know that some people were not too pleased about

19

the possibility of working on the Trayner team?

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A. Yes.

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Q. Why would they come to you

with those concerns?

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A. I think it is just because

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they knew me well and they were comfortable with

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making these comments to me.

Q. Now, if they were afraid of that happening, who would they normally go to?

A. I think they should express their concerns to their Head Nurse.

Q. Now, if the Head Nurse didn't want to listen to their concerns, who would they go to next?

A. I guess then they could go up the clinical ladder and go to the Area Coordinator.

Q. So, they would go to the Area Coordinator?

A. I would think so.

Q. In that case it was Mrs. Pyykkonen?

A. Mrs. Pyykkonen.

Q. Now, in your notes to Mary Sword, that's Exhibit 357, as I understand it on that night you were the senior night supervisor?

A. That's right.

Q. And you would have been the supervisor controlling the whole Hospital essentially?

A. Yes.

Q. Now, in paragraph 3 it notes



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that you covered 4A and B because Mrs. Ross had said it was requested that you cover it.

A. That I cover it. She didn't say my name specifically, so I don't know if she meant because I was senior nursing supervisor or because I always covered that ward.

Q. Do you know who requested it?

A. She told me that Dr. Carver had requested it.

Q. Did she tell you why he had requested it?

A. No, she didn't.

Q. Did you ask why?

A. No, I didn't think it was unusual. The thing that was more unusual was for me to give the 4A and B to someone else on Friday night because I usually carried it when I work even when I was in charge of the Hospital.

Q. So, you would normally carry that ward even though you were in charge?

A. Yes.

Q. But you hadn't done that the previous night?

A. No.



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Q. Can you tell me why you
hadn't done it the previous night?

A. I can't, no.

Q. Okay. Now, you came back,
you were on, according to this chart, for the
Warner arrest and then you weren't on for a few
days and you came back and then you were on for the
Manojlovich and Pacsai arrests.

A. I was on when Manojlovich
arrested and Pacsai, he did not go into complete
cardiac arrest on the ward.

Q. Did anyone discuss with you
the arrests that happened in between those nights?

A. I can't recall.

Q. Did any of the nurses discuss
the fact that there had been a lot of arrests in
those few nights?

A. I don't recall.

Q. Is that something that the
nurses normally would discuss with you?

A. Do you mean the nurses on
that particular ward?

Q. The nurses on that particular
ward.

A. They often expressed their



FF14

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concerns to me that there had been another arrest and that they were just concerned that this was happening to all the children and they did not know why.

6

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Q. But there was nothing specific that you can recall that was mentioned to you at that time?

8

9

A. No.

10

11

Q. Now, have you had an opportunity to look through the charts of the children for the arrests that you were present for?

12

13

A. Yes, I have.

14

15

Q. So, you have looked through the chart for Matthew Lutes, for example?

16

17

A. I did, yes.

18

19

Q. And you have told us today that you don't recall anything at all about it?

20

21

22

A. No, I don't.

Q. Do you by any chance recall if he was on the tour end report that night?

23

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A. I'm sorry but I can't help you there. When I was covering that area I would see over 100 children a night and I cannot remember who was on each ward's tour end report, no.

Q. Now, for Real Gosselin, he was



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FF15

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only admitted the night before, very early in the
morning of the 17th at about 2:30 in the morning.

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A. Okay, I would have to agree
with you.

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Q. Would a new admission - and you were on the night of the 16th according to Exhibit 351 - would an admission in the middle of the night be brought to your attention?

A. Oh, yes.

Q. So you would come back - or when would it be brought to your attention?

A. Probably when I went back to the ward for another round. Or if I had gone back for a cup of coffee the girls would say they had had an admission and give me the information on the child and I would go and see the child.

Q. Now when Real Gosselin was admitted digoxin was held because upon reviewing the dose he had received in Winnipeg it was decided to take a digoxin level prior to giving him the digoxin that had been ordered. Do you recall that?

A. I don't recall reading it on his chart, no, I don't.

Q. You don't recall anyone bringing that to your attention?

A. I don't recall, but something like that the girls would tell me that the digoxin was on hold.

Q. So you would be told, for example,



GG.2

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when you did your rounds?

3

A. Yes.

4

Q. If the digoxin was on hold for
any child?

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A. Yes.

7

Q. Why was that important enough to
bring to your attention?

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A. It was just to make me aware of
what was happening with each child. They would give
you an update every day of what was transpiring with
each child.

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Q. Now, Exhibit 356 deals with the
memorandum that you sent regarding the Kristin Inwood
incident report.

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Is this something that you would do
often?

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A. I didn't do it often. I think
as a matter of fact this is the one and only I had
ever done, and I just felt it was important to bring
to the attention of the people involved with that
ward what exactly had been happening on the ward,
that may have led up to this incident occurring.

21

22

Q. Who did you talk to about the
incident itself?

23

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A. When I was informed about the
incident?



GG.3

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Q. Yes.

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A. I think it was Susan Reaper.

4

Q. And was Miss Reaper the nurse who had given Kristin Inwood the mistaken dose of digoxin?

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A. I think so, but if I could see the incident report, it is all down there.

8

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MR. LABOW: Could the witness see Exhibit 356?

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THE COMMISSIONER: Well, do you remember whether it was Miss Reaper?

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MR. LABOW: Well, it indicates that Miss Halpenny asked Miss Reaper to give the digoxin.

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THE WITNESS: I have that note on the incident report.

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THE COMMISSIONER: That is --

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MR. LABOW: It is 113A.

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THE WITNESS: According to this Susan Reaper had given the wrong digoxin, and she had been asked to give the digoxin by the team leader who would be Mary Jane Halpenny.

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MR. LABOW: Q. Was this matter ever discussed with you by Miss Geiger or Mrs. Pyykkonen?

A. No.



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Q. They never asked you to expand upon your memo or discuss it with them?

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A. No.

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MR. LABOW: I have no further questions.

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THE COMMISSIONER: All right. Thank you.

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MR. TOBIAS: Mr. Commissioner, I am next in the order.

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THE COMMISSIONER: Yes.

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MR. TOBIAS: But since it is 4:26 I would rather start in the morning.

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THE COMMISSIONER: Yes. All right.

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MR. TOBIAS: Subject to, of course, a request by Mr. Shanahan who has an engagement in the Provincial Court if he would like to go first so that he can make that engagement then I have no objection to that.

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THE COMMISSIONER: In my day it wasn't even called the Provincial Court, but it started at ten. You don't worry about that, Mr. Shanahan, or do you? Or will they wait --

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MR. TOBIAS: They can't start without Mr. Shanahan.

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THE COMMISSIONER: Will they wait for you?



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MR. SHANAHAN: What I am going to do is perhaps go sharp at ten and then I can assure you I will be short because I have to be elsewhere as well.

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THE COMMISSIONER: Yes. All right. How long will you be, do you think, Mr. Tobias?

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MR. TOBIAS: I would think about 15 minutes, Mr. Commissioner.

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THE COMMISSIONER: And Mr. Olah?

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MR. TOBIAS: If that long.

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THE COMMISSIONER: What happened to Mr. Shinehoft? He has gone to Hamilton?

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Yes, all right, Mr. Olah, how long?

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MR. OLAH: Mr. Shinehoft tells me he is going to be very brief and I will be about 15 minutes at the most.

THE COMMISSIONER: Well, we have a good chance of finishing tomorrow morning then I think and getting on with this motion tomorrow afternoon.

All right, 10 o'clock tomorrow morning.

--- Whereupon the Hearing was adjourned at 4:30 p.m. until 10:00 a.m., Thursday, the 16th of February, 1984.

